

COMPLEX HUMANITARIAN EMERGENCY IN VENEZUELA

RIGHT TO EDUCATION

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One and a half (1.5) million children, out of a total of 31.8 million inhabitants, make up the school-age population of Venezuela. Since 2015, the country is confronting a large-scale **Complex Humanitarian Emergency**, clearly defined by the multiple factors that compose such an Emergency, which include de-structuring and destruction of its social, institutional, political, economic and legal structures.

This Emergency has been having devastating effects on the life and wellbeing of the entire population. However, it is on the development processes of children and teenagers where the damages caused are especially severe, even lethal. Not only are they affected in their health, but their present and their future is at stake, because they are being denied the right to education, as a consequence of the destruction of the national capacity to guarantee the availability, accessibility, acceptability and adaptability of both primary and secondary education, so that they can satisfy basic education needs.

THE DAMAGES TO CHILDREN AND ADOLESCENTS REGARDING THEIR RIGHT TO EDUCATION

1. An average 70% of students in public schools do not attend classes regularly, and at least 15% are severely behind in their education levels, mostly due to lack of food and drinking water.
2. The salary of teachers does not cover the cost of the Food Basket by a wide gap, and social assistance services are practically inoperative. This has led to forced migration of teachers, or to teachers changing occupation in order to survive.
3. 80% of school principals and teachers in public schools have been selected for their posts without the adequate credentials or a fair, equitable selection process. Young people from a government "Mission" ¹ (called *Chamba Juvenil* (Youth jobs) are employed as teachers.

¹ The **Missions** are a series of over 30 "social programs" implemented under the administration of former president Chavez and continued by his successor Maduro. The programs supposedly focus on social justice, social welfare, reduction of poverty, education and military recruiting.

Using the increasing oil prices of the early 2000s, Chávez created the "Bolivarian missions" in 2003, which were initially short-term projects. After enjoying political success, Chavez made the missions a central priority for his administration, using them to recruit favorable votes by significantly increasing funding during electoral campaigns.

It is important to note that all evaluations of the missions have determined their ill-effects and/or complete failure to correct the problems they are supposed to solve.

4. Abandonment of the school system by both gradeschool and highschool students has increased by 60%, so that there are more than one million children completely unschooled. This is reaffirming the consolidation of poverty and having dire effect on the quality of life in Venezuela.
5. 90% of trained teachers and at least 10% of students are being subjected to discrimination by the government through the use of the *Carnet de la Patria* (the "Fatherland ID Card"), which government agencies are demanding as a requisite for issuing official documents, permits, social benefits and sometimes even salaries.
6. 80% of the parents and representatives cannot afford the so-called School Basket (basic school supplies required by a student), that costs at least 30 minimum salaries, and in 90% of the schools, parents must pay for office supplies, cleaning and even the school food on many occasions.
7. In 50% of the schools, endemic deceases are on the increase, partly due to the lack of hygiene and food. Among students, there is a sharp hike in posture-related ailments, caused by the lack of student desks and chairs.
8. The risk to vulnerable groups in the schools has increased significantly. The majority of schools have no teachers or equipment to deal with students with discapacities, nor with the precocious pregnancies occurring among 5% of the female students.
9. An alarming number of students, in at least five frontier states, fall prey to kidnappers or to being forcibly recruited by irregular armies (guerrillas). The school principals and the teachers are forced under threat from these armies to distribute propaganda materials to the students.
10. Malnutrition is sharply increasing. The *Programa de Alimentación Escolar* (School Food Program) arrives only twice a week, with provisions that are irregular, insufficient, of very poor quality and low caloric contents.

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11. In 50% of the schools the students' ability to achieve reading, writing, and mathematical skills are being hindered by pedagogical deficiencies on the part of the teachers, who are not prepared either to attend to the many children that present attention and concentration deficits.
 12. Violence in the schools has increased by 75%. Usually the sources are organized crime and drug traffic, but hate-generated violent aggressions to teachers and students have also become much more frequent.
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¿WHAT IS A COMPLEX HUMANITARIAN EMERGENCY? The United Nations defines it as “A humanitarian crisis in a country, region, or society where there is total or considerable breakdown of authority resulting from internal or external conflict and which requires an international response that goes beyond the mandate or capacity of any single and/or ongoing UN country program.” (IASC, 1994).

Responding to a CHE implies using international frames of reference and protection mechanisms in a simultaneous manner, given that the humanitarian demands are multifaceted, that there are great numbers of people in extreme vulnerability and that a variety of factors are acting in combination. Also present, may be restrictions by the authorities to compliance with international obligations, as is the case in Venezuela. All these are producing a wide and severe destruction of the internal capabilities of the country to guarantee the rights to assistance and protection of the entire population.

1. **An average 70% of students in public schools do not attend classes regularly, and at least 15% are severely behind in their education levels, mostly due to lack of food and drinking water.** According to the *Encuesta de Condiciones de Vida 2016* (Survey on Life Conditions ENCOVI 2016): “Almost half (of the students) attend school irregularly, mostly due to lack of food at home or in the school, and to breakdowns of the water supply service”. A large number of children and teenagers only attend school after making sure that the food supplied by the *Programa de Alimentación Escolar* (PAE, School Food Program) has arrived to the school, or they stop attending because they cannot bring food to supplement what is provided by the PAE. An estimated 60% of children of grade-school age work in municipal markets, garbage dumps, cleaning windshields at stoplights, and/or systematically searching for food in garbage bags, occupying, in some extreme cases, up to 90% of their time in these "jobs". The lack of resources for purchasing food, school supplies, uniforms and shoes due to hiperinflation is affecting all students. In two frontier states, roads have collapsed, forcing teachers and students to walk long detours at the mercy of vandals and robbers.

- 2. Abandonment of the school system by both gradeschool and highschool students has increased by 60%, so that there are more than one million children completely unschooled. This is intensifying the consolidation of poverty and having dire effects on the quality of life in Venezuela.** According to data released by the government, for the 2016-2017 school year, student registrations fell by 250.000 students. And for 2017-2018, the estimate is that only 40% of the students finished the school year. In 50% of the schools in four states of the country, the recent registration for 2018-2019 was less than 60% of what it should have been. The main causes of this desertion are: first and foremost, students going to work to help supplement the family's income, the numbers of children that are left under the care of relatives or siblings due to forced massive migration of the parents, and lack of economic capacity to send them to school. In addition to all those factors, 15% of school abandonment is attributed directly to the increase in teenage pregnancies, that far from being on the descent, have been promoted by the government-issued monetary benefit called *Madres del Barrio* ("Mothers of the Neighbourhood"). A very unappealing school curriculum and the economic crisis complete the picture for school abandonment.
- 3. In 50% of the schools, endemic diseases are on the increase, partly due to the lack of hygiene and food. Among students, there is a sharp hike in posture-related ailments, caused by the lack of student desks and chairs.** The exposure and spread of endemic diseases reported for 50% of the educational centers has been blamed on lack of hygiene due to severe failures in the service as well as inadequate storage of the potable water supply. There is widespread mismanagement and inappropriate disposal of wastewaters. 90% of the schools that were surveyed had no maintenance or cleaning personnel, nor any provisions for cleaning supplies. These situations make it impossible to handle food properly and maintain cleanliness in students, classrooms and restrooms. In addition to all this, schools are reporting an increase in cases of diarrheas, scabies, parasitosis, pediculosis and/or measles. Postural ailments have increased because school furnitures deteriorated and were not replaced, and the schools are lacking desks and chairs for both the students and the teachers. One of the schools reported 16 desks for a total of 160 students, so the students attend classes sitting on the floor.
- 4. Malnutrition is sharply increasing. The *Programa de Alimentación Escolar* (School Food Program) arrives only twice a week, with provisions that are irregular, insufficient, of very poor quality and low caloric contents.** In 80% of the schools, there is a significant increase in students fainting in class or during the recess break. This situation also occurs with teachers, although to a lesser degree. It can be

attributed directly to a School Food Program that does not guarantee a supply of at least two balanced meals per day, and that in the majority of cases - 80% of the schools - only comes twice a week and in insufficient amounts. In the 2016-2017 school year, 69% of the schools stopped providing breakfast. The *Programa de Alimentacion* meals only contain some vegetables or carbohydrates, no proteins, and lack a minimum level of calories and nutrients. Dairy products, such as cheese, are absent, and milk is provided, on average, once every three months. Lack of potable water and the use of pots and cookware in deplorable condition have caused severe diarrheas and gastrointestinal illnesses among the student population. 71% of the institutions have no dining room or school cafeteria, nor do they have a space that may serve for serving meals. The students receive the food in bowls or cups they bring from home and eat their meals at their desks. At least 50% of the schools have reduced the number of class hours to avoid health problems.

5. **The salary of teachers does not cover the cost of the Food Basket by a wide gap, and social assistance services are practically inoperative. This has led to forced migration of teachers, or to teachers changing occupation in order to survive.** Income from teaching jobs is not enough to buy the *Canasta Alimentaria* ("Food Basket", an estimate of the monthly cost of a set of foods that completely cover the nutritional requirements of an average Venezuelan family). In September, the government announced that it was establishing a new salary index equating teacher's salaries to very near the minimum salary that had been decreed that same month. Salary increases decreed by the government are not paid on time and quickly become diluted by the hyperinflation affecting the country. Contract benefits, for example health and funerary service insurance, have been left far behind, making it impossible to cover basic needs. Thus, teachers find themselves forced to ask for permits to do occasional jobs, or very often, resign or simply abandon their jobs to dedicate themselves to other, better-paying types of work. In many cases, they find themselves forced to migrate. The estimate is that 50% of teachers have resigned or abandoned their jobs. Just in the Capital Zone, 480 requests by teachers of their grade and degree certifications are being processed weekly for migratory purposes.
6. **90% of trained teachers and at least 10% of students are being subjected to discrimination by the government through the use of the *Carnet de la Patria* (the "Fatherland I.D. card"), which government agencies are demanding as a requisite for issuing official documents, permits, social benefits and sometimes even salaries.** If a teacher is seeking to obtain a loan or an economic support, requesting aid to obtain a home or medical treatment, or inclusion into the food box program (the so-called "Caja Clap"), or any other type of administrative procedure

requiring some sort of official approval, he or she is obliged to have a *Carnet de la Patria*. 90% of teachers have had to obtain it. Without this I.D. card, it is impossible to obtain whatever they seek. There have been instances where the *Carnet de la Patria* was necessary even for collecting the salary. For low-income families, it is a requisite to register for the *Carnet de la Patria*. They must show it to receive the government benefits for school children (uniforms, shoes, school packs). Social aid (scholarships and financial aids) given by the State to families is minuscule, and even so, it depends on having a *Carnet de la Patria*. At the beginning of the present school year, the government discriminated against those who did not have it, by granting the benefit of a Bono Escolar (school bond, a small financial aid to help purchase the "School Basket") only to those who had the ID card.

- 7. The risk to vulnerable groups in the schools has increased significantly. The majority of schools have no teachers or equipment to deal with students with discapacities, nor with the precocious pregnancies occurring among 5% of the female students.** Teaching materials designed for children and teenagers with special needs (visual or hearing disabilities or cognitive deficiencies) are simply non-existent in the great majority of schools. Teachers do not receive training or the necessary support from multidisciplinary teams in this field. Therefore, there is obvious discrimination against the special needs population, which is not receiving the same (or hardly any) level of educational attention. In at least two schools, autistic children were retired because the teachers could not count on the special materials or support to take care of them. There are no regular sex education programs to teach girls about the dangers and prevention of early pregnancy. Testimonies by 12-to-16 year-old pregnant teenagers, blame the absence of these kinds of programs and the meager financial incentive that the *Madres del Barrio* would give them for their situation.
- 8. In 50% of the schools the students' ability to achieve reading, writing, and mathematical skills are being hindered by pedagogical deficiencies on the part of the teachers, who are not prepared either to attend to the many children that present attention and concentration deficits.** The high level of food insecurity faced by the Venezuelan population, together with the serious deficiencies of the School Food Program, mean that 60% of students (often hungry and malnourished) present problems of attention and concentration. For the teachers, there are no systematic and periodic national or international tests to evaluate the effectiveness of teaching processes or carry out corrective actions. The education programs lack impartiality, objectivity and plurality of thinking and discriminate in the management of academic content. Teachers do not have access to continuous training programs. School

libraries are outdated. The deficit of highschool teachers specialized in mathematics, physics and chemistry has reached 95%.

9. **80% of school principals and teachers in public schools have been appointed without the adequate credentials or a fair, equitable selection process. Untrained young people from a government-funded "Mission" called *Chamba Juvenil* (Youth jobs) are employed as teachers.** Teachers are discriminated against in their right to work, because at least 80% of supervisors, principals and teachers of official schools have been appointed directly by the Regional Educational Zones, completely ignoring the *Reglamento del Ejercicio de la Profesión Docente* (Regulation for the Exercise of the Teaching Profession), which requires that teacher go through promotion and opposition contests, and that they have the merits and sufficient professional credentials. The beneficiaries of these illegal appointments are sympathizers, local leaders, or militants of the political party currently in the government, who, on occasion, are appointed to positions that do not even appear in the organizational structure of the Ministry of Education. Teacher vacancies are covered by young people belonging to the *Misión Chamba Juvenil*, an "emergency" employment program implemented by the government. These young people have no training at all in the teaching area and little emotional maturity to guide any learning process.
10. **80% of the parents and representatives cannot afford the so-called School Basket (basic school supplies required by a student), that costs at least 30 minimum salaries, and in 90% of the schools, parents must pay for office supplies, cleaning and even in some cases, for the school food.** The State does not fulfill its obligation of making basic education free. Thus, parents and representatives find themselves having to cover the costs of a "School Basket" which is affected by a hyperinflation of at least 4% daily (Estimate for Oct. 2018, according to the National Assembly). The highest impact is on the poorest strata, but everyone is affected - the vast majority (80% of parents and representatives), find it impossible to disburse 30 minimum salaries as the initial cost of the school year. Students attend without uniform or shoes or school supplies. Despite regulations that expressly prohibit this, parents and representatives contribute cleaning products and office supplies. In at least one state, a "contribution" has been requested to receive the "School Backpack" and the food, both of which are supposed to be given free by the government.
11. **An alarming number of students, in at least five frontier states, fall prey to kidnappers or to being forcibly recruited by irregular armies (guerrillas). The school principals and the teachers are forced under threat from these**

armies to distribute propaganda materials to the students. According to testimonies, schoolchildren from the border states of Zulia, Tachira, Apure, Bolivar and Amazonas, and even from other non-border states such as Barinas, Mérida and Falcón, are recruited by irregular organizations such as the *Ejercito de Liberación Nacional, ELN* (National Liberation Army, a Colombian terrorists group); the dissidence of the *Fuerzas Armadas Revolucionarias de Colombia, FARC* (Revolutionary Armed Forces of Colombia, largest guerrilla/terrorist group from Colombia); the *Ejército Popular de Liberación, EPL* (People's Liberation Army); and the *Fuerzas Bolivarianas de Liberación, FBL* (Bolivarian Liberation Forces), some by luring them with large amounts of money, and a significant number simply by kidnapping them. It is estimated that 75% of the students who drop out are directly or indirectly linked to these organizations. The Attorney General of Colombia has reported that FARC dissidents continue to kidnap minors in Venezuela. The representative of UNICEF in Colombia has also denounced this situation. Principals and teachers at border schools risk their lives if they refuse to distribute propaganda materials from irregular groups to their students.

- 12. Violence in the schools has increased by 75%. Usually the sources are organized crime and drug traffic, but hate-generated violent aggressions to teachers and students have also become much more frequent.** In a significant number of schools in 6 states, principals, teachers, students and administrative staff are threatened by armed students, who consume and traffic drugs and belong to criminal groups. These kids act with impunity because the police agencies never show up or act, despite the complaints made. There are no programs for the management of bullying, even when bullying and hate-motivated acts abound: In one extreme case, bullying classmates burned a student that was being victimized because of his sexual orientation. In another school, it was reported that two students put rat poison in a companion's breakfast in retaliation for her high grades. And in yet another school, the victim of rat poison was a teacher, when a student put the poison in her coffee, presumably because of the low grades she received from the teacher.

Fall of the State's Capacity to Guarantee Availability, Accessibility, Acceptability and Adaptability of Primary and Secondary Education

1. 95% of the national school infrastructure is severely deteriorated and not receiving any maintenance. Water, electricity and garbage services are sporadic if they exist at all. There

are no facilities for students with special conditions. This is the situation of at least 4,000 schools.

2. The services of preventive medicine, dentistry and psychological counseling have gradually disappeared, and at least 90% of the schools do not have supplies for basic emergencies.
3. More than 40% of the school teachers have been forced to migrate for survival reasons. At least 120,000 children and young people remain displaced in Colombia, in a massive migration not recognized by the State.
4. The pedagogical processes are improvised, oriented towards partisan political proselytism and single thinking. They are perverted by clientelism and the restriction of Academic Freedom. Free participation of families in the schools' processes has been pushed to a minimum.
5. There is no school bus service in 90% of schools. 80% of public transportation has stopped operating and students travel in unsafe, vulnerable and high-risk open trucks.
6. Evaluation processes are authoritarian and politically mediated. Students are promoted to the next level compulsively, without having reached the required academic competences.
7. In 90% of the schools, insecurity is extreme, and criminals act with complete impunity. Frequently recurrent events include muggings, thefts where even food is taken, vandalism and theft of infrastructure. "Protection" payments are extorted from numerous schools.
8. Nearly 100% of the schools do not receive on a regular basis the funds the State is supposed to give them for operation or maintenance or repairs.
9. In a significant number of rural schools in the regions bordering with Colombia, irregular forces ideologize children through forced play activities, supported by five illegal radio stations.
10. In four states, schools have been closed due to unknown causes or to serious deterioration of their infrastructure. Some have been taken over for political party use, thus reducing the educational offer.
11. Since 2015, the government does not publish any official public information on the management of education. The State has not demonstrated any capacity to solve situations that affect schoolchildren.
12. None of the laws needed for government of the education system has been enacted, although the ones that existed have been replaced de facto by sub-legal norms that keep the system in legal uncertainty, especially those that apply to private education.

- 1. 95% of the national school infrastructure is severely deteriorated and not receiving any maintenance. Water, electricity and garbage services are sporadic if they exist at all. There are no facilities for students with special conditions. This is the situation of at least 4,000 schools.** Interruptions of water service in schools are widespread: reports of interruptions of seven continuous days to three months are frequent. Rationing and arbitrary cuts of electricity prevent the regularity of class hours. Internet service is non-existent in 97% of schools. The number of available toilets is insufficient, in the majority of cases because they have been destroyed or not maintained. Classrooms do not have adequate ventilation and lighting. In some states where the climate is very hot, there is no air conditioning nor fans, which forces teachers to teach classes in outdoor areas. There are no adequate laboratories or updated libraries. 60% of the schools have a deficit of more than 30% of desks and chairs for both students and teachers. In 20% of the schools, only 50% of the classrooms are operational. There are no facilities that eliminate physical barriers for students with motor disabilities. The schools lack recreational areas, or where they do exist, lack of maintenance has left them unsuitable for use. The official information on the construction of new schools is confusing and not very credible. Only rehabilitation or restoration of schools is reported without specifying the scope. The reopening of old schools with a change of name is common practice and sometimes the administrative destiny of the old school is unknown. The deficit of schools, especially of secondary education highschools (called *liceos* in Venezuela), is estimated at 4,000 schools.
- 2. Pedagogical processes are improvised, oriented towards partisan political proselytism and single thinking. They are perverted by clientelism and the restriction of Academic Freedom. Free participation of families in the schools' processes has been pushed to a minimum.** Since 2007, three different curricular designs have been "designed" and established. According to the Venezuelan Teachers' Association, "each curricular design exceeds the previous one in improvisation and conceptual and theoretical weakness". The improvisation in the last curricular design has generated an anarchy that prevents an homogeneous implementation and keeps in uncertainty more than three hundred thousand highschool students who are denied the right to decide their specialization. The academic contents are focused towards a single way of thinking, a single idea or ideology. Programmatic objectives are suppressed by political objectives and "socialist" ideological indoctrination. According to experts in educational contents, the only mandatory text, the *Colección Bicentenario* (Bicentennial Collection), abounds in exaltation of the "Leader of the Revolution" and promotes

discrimination for political reasons and race. A significant number of teachers are kept in an "interim" situation (untenured) to limit their academic freedom and exercise political control. The lack of contests to obtain credentials, allows the immediate removal of those who do not align themselves with the political line. In at least 90% of the schools the teaching activities are modified by political-partisan activities organized by government agents, which must be attended by teachers and sometimes by students. Families that do not register with the organizations created by the government are discriminated against and are not recognized as actors in education.

3. **In 90% of the schools, insecurity is extreme, and criminals act with complete impunity. Frequently recurrent events include muggings, thefts where even food is taken, vandalism and theft of infrastructure. "Protection" payments are extorted from numerous schools.** The thefts, mainly of food, but also computers, air conditioners, fans and kitchen utensils, are a recurring problem, while thefts of cables, doors and windows are common practice. There is no police with training in protection of schools or police presence around them. At least one school in Zulia state had to close due to "permanent and indiscriminate vandalism". In the central states (and possibly in all others), the so-called "pranes", imprisoned criminals that have established themselves as leaders of the inmates inside the national prisons, control the security and extort money (called vaccine) to "protect" the schools and their environments. Sometimes they even control, according to testimonies, the assignment and removal of principals and teachers. It is estimated that in at least 75% of the institutions, there are incidents of assaults against teachers related to the micro-trafficking of drugs inside the schools. All these crimes go completely without being investigated or followed up by the police, none of the perpetrators are ever captured or accused.
4. **In four states, schools have been closed due to unknown causes or to serious deterioration of their infrastructure. Some have been taken over for political party use, thus reducing the educational offer.** In at least two states, using the new "legal" figure of the "Educational Complex", institutions are being closed and merged without prior information or participation of the educational community. In five states, reports have indicated the technical closures of schools to use the infrastructures as bases for militias or partisan political organizations. In one state, closures of at least six schools were reported due to insufficient students or teachers. Reports also indicate the technical closures of schools due to severe infrastructure failure. In one case for example, the collapse of a roof caused the death of a student.

5. **The services of preventive medicine, dentistry and psychological counseling have gradually disappeared and at least 90% of the schools do not have supplies for basic emergencies.** According to the Venezuelan Teachers' Association, in the last ten years "the services of general medicine and dentistry, as well as the student welfare and orientation services in the schools have been disappearing". Regular, yearly vaccination plans, and the programs of weight and height control and dental control, among others, ceased to be applied in a significant majority of schools. The basic emergencies must be transferred to health centers because it is estimated that at least 90% of the schools lack first aid kits or where these supposedly exist, they are empty of medicines and necessary supplies.
6. **There is no school bus service in 90% of schools. 80% of public transportation has stopped operating and students travel in unsafe, vulnerable and high-risk open trucks.** 90% of the schools do not have student transportation of any kind to cover the school routes for students who live at a distance from the school buildings. There are no school buses either owned by the schools or by other government services, and public transportation is almost nonexistent. Buses or public transportation that still circulate refuse to accept the older paper money which is still legal, but without value in practice, nor the lower denominations of the new bills. The existing severe difficulty to obtain cash limits even more the possibilities of transfer for students and teachers. They find themselves forced to put their physical integrity and their lives in danger by riding in makeshift "seats" on cargo trucks that the government promoted (popularly called "kennels"), which are unsuitable for safe transport of people. The regional media reviewed at least two traffic accidents involving these trucks where several people were seriously injured, and the national media reviewed that in at least three accidents, more than 11 people have been killed from falls or collisions of the "kennels".
7. **Nearly 100% of the schools do not receive on a regular basis the funds the State is supposed to give them for operation or maintenance or repairs.** The funds that correspond to operating and maintenance expenses are not provided to almost 100% of the schools in a timely manner or in sufficient quantity. The common occurrence is that maintenance, expansion or improvement works remain unfinished due to lack of funds. In at least 50% of the school buildings, the parents must contribute with the costs of stationery and office supplies and minor arrangements, either with financial contributions and/or work. Both teachers and parents must provide cleaning items, lightbulbs and lamps, and use part of their their time to offer the children the cleanest and most suitable space possible during the school day. In a country where free education from basic to high

school has been established in the law since 1870, some schools charge varying amounts as registration fees, to raise funds for maintenance expenses.

8. **Since 2015, the government does not publish any official public information on the management of education. The State has not demonstrated any capacity to solve situations that affect schoolchildren.** The Annual Report of the Ministry of Education (which is a legal obligation of every ministry) has not been published since the 2014-2015 school year. Nor does the National Institute of Statistics publish any statistics corresponding to the Education sector. Statements by government officials are confusing, sometimes contradictory and not very credible. The results of legal actions taken to seek protection of the Right of Access to Public Information have been either negative, or illogical, or not coherent with the Law in question. Basic official figures are unknown, such as the numbers of existing schools, the numbers of students, of teachers, the disaggregated budgets, etc. Therefore, financial data is not known, there is no accounts supervision and citizens' comptrolling efforts are carried out with unofficial figures. On the other hand, and in spite of the official declarations in this regard, there are no known diagnoses, plans, programs or budgets aimed at solving the very serious problems of the Education System and its actors.
9. **More than 40% of the school teachers have been forced to migrate for survival reasons. At least 120,000 children and young people remain displaced in Colombia, in a massive migration not recognized by the State.** It is estimated that only 60% of teachers remain in the country. An indeterminate but very significant number of these is dedicated to tasks other than teaching or at least that tie up part of their time. Resignations or, in most of the cases, abandonment of teaching positions are motivated mainly by the extremely low salaries, or in some cases, the absolute failure to pay them on the part of the government. To this it must be added that educational politization is prioritized over educational quality, that teachers are harassed for political reasons and that academic freedom has been severely restricted. According to the Administrative Registry of Migration of Venezuelans in Colombia, at least 120,000 children and young people remain as displaced persons. Even though "there is no immigration record, nor formal official figures to measure its amount", it is estimated that an equal or greater number are found in the United States and Spain. The State refuses to acknowledge the massive forced migration of students and teachers, and ascribes the absences to a problem of absenteeism.
10. **Evaluation processes are authoritarian and politically mediated. Students are promoted to the next level compulsively, without having reached the**

required academic competences. The Education Zones and the regional authorities of the Ministry of Education order principals and teachers to promote students even when they have not reached the respective competences and in some cases without attending classes. In cases of teachers' absences for a given subjects, the students are promoted by assigning to the subject in question a grade that is averaged from other grades. Grade rewards are also approved for their attendance or that of their parents or representatives to political activities convened by ministerial authorities. The program called *Batalla contra la Repitencia* (Battle against Grade Repetition), seeks to pass students to the next grade without having achieved the necessary level or acquired the necessary skills. It relies on re-doing exams or papers, or on the students making billboards or cleaning and maintenance work at school. The odd behavior of the data regarding students lagging behind in their schooling is explained by this distorted evaluation systems.

11. **In a significant number of rural schools in the regions bordering with Colombia, irregular forces ideologize children through forced play activities, supported by five illegal radio stations.** Children from pre-school to sixth grade in rural border schools in the states of Amazonas, Apure, Barinas, Bolívar, Táchira and Zulia, are subjected to processes of ideologization by irregular forces through magazines, pamphlets, coloring books and crosswords which are distributed by principals and teachers under coercion and threat to their lives. There is evidence of armed irregulars engaging with children in games or school plays inside the school grounds, where the messages focus on glorifying war, the taking of power by arms, the figure of the guerrilla, and the political motivations of the organization. The National Liberation Army (ELN) maintains 5 illegal, medium-range radio stations in Venezuelan territory, with transmissions focused on the indoctrination of the population, especially children and youth.
12. **None of the laws needed for management or administration of the education system has been enacted, although the ones that existed have been replaced de facto by sub-legal norms that keep the system in legal uncertainty, especially those that apply to private education.** In 2009, the Organic Law of Education, was created and decreed as the legal framework to support the education system. Nine years later, twenty-seven laws established in it are still waiting to be promulgated. They have been replaced in practice by sub-legal norms, which regulate aspects reserved to the Law. The existence of private educational institutions is ignored as a Human Right and the private schools are regulated as commercial companies. Legal actions attempted against all these unconstitutional or illegal norms, have been either rejected or fail illegally to meet procedural deadlines for reply to petitions and/or sentencing. Coercion, repression and threats are used to enforce the rules that have been

implemented, which have been enacted without complying with the participatory process established in the Constitution and the Organic Law of Public Administration.

TECHNICAL DATA SHEET

This report of the Complex Humanitarian Emergency on the Right to Education in Venezuela has been produced by a number of informed stakeholders, using an interdisciplinary methodology to share, contrast and verify data on the situation of the Right to Education. It focuses mostly on the scale, intensity and severity of the damages to the actors of Education, as a consequence of the loss of educational capacity. Participants included organizations of affected people, professionals in the field, researchers and academics, as well as organizations dedicated to the defense of the right to education, who held a series of work sessions in order to document the most relevant problems and events. In these sessions, a wealth of information was collected, including empirical data, data from scientific research, official data and available journalistic reports.

The following organizations participated in the preparation of this national report: *Asamblea de Educación* (Assembly of Education), *Camino Democrático* (Democratic Path), *Centro de Formación para la Democracia* (Training Center for Democracy), *EXCUBITUS Derechos Humanos en Educación* (EXCUBITUS Human Rights in Education), *Federación Nacional de Sociedades de Padres y Representantes – Anzoátegui* (National Federation of Parent and Representative Societies), *Federación Nacional de Sociedades de Padres y Representantes - Zulia*, *Fundación REDES – Táchira* (REDES Foundation), *Padres Organizados de Venezuela* (Organized Parents of Venezuela), *Sindicato de Trabajadores y Trabajadoras de la Enseñanza del Estado Anzoátegui* (Union of Teachers of the State of Anzoátegui), *Veedores de la Educación – Aragua* (Observers of Educación).

Acting within the framework of its mandate to strengthen civil society in the field of Human Rights, *Civilis Derechos Humanos* (Civilis Human Rights) provided support in the construction and development of the methodology of the working groups.

THE RIGHT TO EDUCATION

Education is an intrinsic right to human beings. Its full enjoyment and exercise is also indispensable to the realization of other human rights.

In the United Nations and in the international treaties signed by the Venezuelan State, Education is a right in the realm of the autonomy of a person. It is also the means for teaching and training that must be oriented towards the full development of the human personality and

the effective participation of individuals in a free society. It must be oriented also towards understanding and acceptance among ethnic groups, nations, races and religions.

Education in all its forms and at all levels must have the following four interrelated characteristics:

- a. Availability. There must exist institutions and teaching programs in sufficient quantity, and these must have the conditions for them to work: sanitary facilities for both sexes, drinking water, qualified teachers with competitive salaries, teaching materials, etc.
- b. Accessibility. Institutions and teaching programs must be accessible to all, without discrimination - materially and economically accessible to everyone.
- c. Acceptability. The form and substance of education, including study programs and pedagogical methods, must be acceptable to students and parents.
- d. Adaptability. Education must have the necessary flexibility to adapt to the needs of societies and communities in transformation, and to a variety of cultural and social contexts.

When considering the correct application of these "interrelated and fundamental characteristics", the superior interests of the students must be taken into account first of all.

In situations of crisis or humanitarian emergencies, the States are obliged to demonstrate that they have made the maximum use of available national resources. They are obliged also to accept international assistance and cooperation in case the effects of the emergency exceed their capabilities.

The reluctance to protect the rights of people in these situations jeopardizes and compromises the responsibilities of States with international violations of human rights.