

Report for the Third Cycle of the Universal Periodic Review of Venezuela Right to education from the perspective of children and adolescents

Authors and executive briefing of the report:

The present report was written with the participation of over 30 children and adolescents (CHA) from various locations in Venezuela. Its content was prepared and debated in more than 20 work meetings starting in May 2020, and its contents were approved by every member of the work team.

The main right discussed by this document is the **right to education** due to the firm convictions of its participants about the importance of this right in the proper development of childhood and the prosperity of the country's future. The situation of the right to education in Venezuela, far from optimal, is quite precarious: the goal of this document is to explain the problems and offer solutions from the point of view of those who experience them daily.

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Context

1. The Constitution of Venezuela enshrines education as a fundamental human right and a social duties of the State and therefore, it must be democratic, free and obligatory¹. Its operation is in turn divided into two subsystems: basic education and university education. Since most children participate in the basic education system, that will be the focus of this document.
2. According to the Framework Law of Education (LOE) of 2009, basic education is obligatory and consists of three phases. The first is initial education and encompasses 0 to 6 years of age: its levels are not typified and its main goal is to prepare students for primary education. In turn, this second phase encompasses approximately 6 to 12 years of age, consists of six levels (first to sixth grade) and grants the diploma of primary education. The last phase of basic education is medium education, which can be general or technical and encompasses 12 to 17 years of age.
3. Financing for education may be public, where the State covers all its associated expenses; mixed, where the expenses are partly covered by parents and representatives and partly by the State; or private, where financing depends entirely on parents and representatives.

¹ Article 102. Constitutions of the Bolivarian Republic of Venezuela (1999)

4. In Venezuela, education is one of the rights that shows the greatest difficulties in terms of infrastructure, school admissions, labor conditions of teachers and the updating of the school curriculum. The context of the COVID-19 pandemic increased the gaps and inequalities in the exercise of the right to education, the absence of official figures prevents the identification of challenges to guarantee the full exercise of this right.

Problems and solutions

Section I: Quality of the Education

5. In our opinion, education in Venezuela does not have the priority it deserves. Although laws such as the LOE or the Constitution itself exalt its importance for the country's development, the facts show the opposite: by 2009, public expenditure in education was merely 6.9%² ³. By May 2021, a teacher in the lowest professional rank received a remuneration of BS. 216,419.18 per hour, or approximately USD 0.06⁴. The lack of financing, coupled with the obsolescence of the program of studies which dates back to 2007, and the precariousness in the conditions of teachers mean that Venezuela's educational situation is not the best.
6. For the creation of this report we consulted the opinions of various CHA. A student said he felt incapable of fully exploiting his capacities because of unequal access to resources and, as a solution, he suggested a detailed evaluation of the current system, in order to determine its effectiveness. In our view, Venezuela is in debt with education: with teachers whose basic needs are not satisfied and with students who attend school on an empty stomach, no educational process can be effective.
7. As students of the Venezuelan education system, we identified the following critical points that limit its quality: access to technology; education on human rights; violence and bullying; impact on mental health and migration phenomena.
8. **Access to technology:** "I have a classmate (...) she has no television, phone or computer. She can't come right now and is asking her neighbors for help to call us over the phone and we have to give her the homework and also explain it to her. She is one of the people who does not know what to do." This is the testimony of a 17-year old student that summarizes the reality of the access to technology in Venezuela: precarious, overdue and descriptive of a population with only 36.9% of homes with broadband connection⁵.
9. A precarious access to technology is also a deficient access to information, which brings limitations to the quality of education. To solve this problem, we think it is crucial to review the existing infrastructure to use it for education, fostering a controlled and inclusive expansion of access to technology and ensuring that education has a privileged place in the creation of telecommunication strategies so that no child is left behind in their education for something that is beyond their hands as is the case of access to technology.
10. **Education on human rights:** The Venezuelan situation has no place for education on human rights: a student consulted said she ignored the existence of the Convention on the Rights of the Child and has never learned about her rights as part of her school program. This testimony is a general reality evidenced in the fact that the official education program does not mention human rights as part of the curricula even though the LOE incorporated the education on rights as a transversal access of the education system. In our view, this absence is truly serious: if we do not know our rights, we are unable to defend them or fully exercise them.

² According to the Center of Statistics of CEPAL.

³ No newer data is available

⁴ According to the exchange rate of the Central Bank of Venezuela at 06/29/2021

⁵ According to Conatel (2019)

11. **We recommend:** the creation of a national program on human rights, the implementation of indicators of evaluation that quantify the instruction on human rights and, lastly, the general improvement of educational conditions for all students, so that the solution of urgent matters arising from the complex humanitarian emergency no longer supersedes the necessary improvements in the quality of education.
12. **Violence and bullying:** bullying or school harassment is a problem that affects numerous countries across the world, and Venezuela is no exception. A student reported that he had been the victim of school harassment since he started school at 5 years old. Due to this experience with violence the student developed many insecurities about his physical appearance and had been unable to fully accomplish his academic competences. In Venezuela, the absence of effective mechanisms for complaints⁶ and the lack of training in the topic of both teachers and students mean that this problem is far from a solution.
13. **Recommendation:** we think that it is necessary to increase the reach of programs of prevention of school harassment, the encouragement of values that prevent violence and the adaptation of the curricula to include non-violence as an essential part.
14. **Impact on mental health:** the sustained decline of the quality of State-run healthcare centers has meant that an increasing number of CHA resort to various programs and initiatives of psychological attention implemented by non-government organizations (NGO), for instance, the psychosocial attention programs developed by CECODAP, which has reported a consistent increment in the number of cases since the onset of the COVID-19 pandemic.
15. This issue is not only revealed in statistics, it affects all of us: the abnormal situations of stress we experience due to the emigration of relatives or other problems associated with the CHE that we are going through make us feel more fragile while we see our mental and even physical health decline considerably.
16. **Recommendation:** By affecting students, this problem also affects education as a whole, so we think that it is very important to carry out an objective evaluation of the mental health of students that allows for the application of programs of psychosocial attention within the education system. We also believe that it is important to implement effective, free and inclusive mechanisms of attention for our mental health, with special emphasis on the country's interior regions. We also think that the State should guarantee the periodic publication of transparent figures that allow the constant monitoring of the situation of the mental health of CHA.
17. **Migration phenomena:** By 2020, 5.4 million Venezuelan migrants and refugees⁷ are estimated to have fled the country in search for better living conditions. This figure represents an important percentage of the country's population (for which there are no updated official numbers,) so education is inevitably a victim of this problem. A family consulted said that a single mother was forced to leave the country while her three children kept studying. The children's academic performance had declined due to the absence of a figure capable of supporting them with their homework. Far from being isolated, this situation is one of the most common migration phenomena in Venezuela today: children left behind by one or both their parents who are forced to emigrate in search for a better future for their own.
18. The migration phenomenon not only affects CHA but also harms the education system itself: students are left without the care of their parents and additionally, teachers also migrate. Homes and classrooms empty out. Everyone who emigrates leaves a hole, so there are holes in our education, our families and our hearts.

⁶ Although the Framework Law for the Protection of Children and Adolescents (LOPNNA) establishes in its Articles 158 and 159 the existence of Protection Councils dedicated to protecting children from issues of school harassment, in practice their operation is not effective: a report created by CECODAP in October, 2018, determined that, out of the four Protection Councils consulted, three lacked the specialists necessary for its proper function.

⁷ According to the Organization of American States (OAS).

- 19. Recommendation:** The solution to this problem represents a challenge, but we firmly believe that nobody should be forced to leave their country due to conditions beyond their control. No child deserves to lose their parents for a situation they do not even understand. Therefore, in our view, this problem can only be truly solved by ending the situation that causes it: an injustice. However, we think that pertinent measures to protect children who find themselves in this situation of unprotection could be the implementation of mechanisms of academic help for children in a context of mobility so that they continue their education and the creation of monitoring bodies that can provide support for children left behind.

Section II: Access to Education

20. In April, 2020, 2.3 million Venezuelan children were estimated to be at risk of leaving school⁸. However, in addition to such figures, the available statistics about school attendance are outdated and opaque, so the access to education is statistically invisible, which prevents a true assessment of its magnitude. This reality is manifested in empty schools and the resignation of teachers; the absence of figures on the access to education in native communities and the lack of information regarding the impact that armed conflicts have on education in areas along the border. In our perspective, the lack of transparency in the information about the access to education in Venezuela is a problem of considerable proportions.
21. The solution to this problem begins with a real, transparent and objective diagnosis: in order to take effective measures to increase the access to education, it is first necessary to know how limited it is -or is not-. We think that this evaluation must be performed by an interdisciplinary team of experts that can create strategies to increase the access to education in our country and to open opportunities to a whole generation of children who have grown amidst a CHE.
22. Although it is impossible for us to fully cover this problem, we have identified the following critical points that we consider the most alarming limitations for the access to education: access to education by children with special needs, a nutritional program for schools and violence as a limitation.
- 23. Access to education by children with disabilities:** Although the LOPNNA⁹ recognizes the right to education for children with disabilities, the absence of adapted material on the web of the Education Ministry and the lack of reports to account for the situation of 140,000 children with disabilities who are currently part of the education system¹⁰ show that there are clear deficiencies regarding the education and inclusion of children with disabilities in schools.
24. Since unconditional inclusion is a fundamental aspect of the full exercise of children's right to education, we think that it is very important to create plans of professional training for teachers so that they can get the necessary educational tools to facilitate inclusion, adapt the existing educational infrastructure to integrate students with disabilities, promote awareness campaigns to offer tools for inclusion in educational communities and foster the publication of official, transparent and updated figures revealing the educational reality faced by children with disabilities.
- 25. School Nutrition Program:** 32.3% of the Venezuelan population experiences food insecurity¹¹, and children are affected by this reality. The need to exercise the right to food also impacts education. The School Nutrition Program which, according to the Education Ministry, "is a social policy created to contribute with proper school performance, through the improvement of nutritional conditions for children and adolescents served in the Education System," is an important factor that motivated the

⁸ According to Save the Children with the Education of Venezuela Cluster (2020).

⁹ According to the second paragraph of Article 13 of the Framework Law for the Protection of Children and Adolescents (LOPPNA), "Children and adolescents with disabilities shall exercise their rights to the maximum of their faculties. "

¹⁰ According to the Accountability Report 2016 of the Education Ministry, the latest available.

¹¹ According to the World Food Programme (2020).

attendance of children to school. However, according to a report presented by CECODAP in 2018, the inefficacy of the PAE¹² was an important cause of a presumably high school absenteeism that cannot be corroborated due to the lack of updated figures.

26. **Recommendations:** In order to counter this severe issue that endangers the lives of Venezuelan children, we think it is urgent to implement investment plans with both national and international financing, to optimize the operation of the school as a protected space in view of the terrible consequences expected in poorly fed children; this must include an interdisciplinary team because it is not only a question of quantity but also quality. We believe that the constant fulfillment of the right to food for all children must be guaranteed, since nutritional needs are not circumscribed exclusively to the school space and are vital for human beings, especially for developing children.
27. **Violence as a limitation for the access to education:** In recent months, armed conflicts across the national territory have increased in number and severity: conflicts involving the guerrilla, such as those affecting the border between the Colombian region of Arauquita and the Venezuela state of Apure, or conflicts between criminal gangs in areas of the capital such as the community of La Vega, put children in a situation of insecurity that prevents them from fully enjoying their right to education. Additionally, the forced migrations derived from these conflicts directly affect the right of children to identity, which puts them in a condition of inequality regarding the access to education services in the country that hosts them. In general, armed violence prevents the full development of the child's faculties, limiting their potential and even endangering their physical integrity.
28. Although the solution to this problem is extremely complex and out of our reach, we think that it is a priority to seek the active involvement of experts capable of providing solutions to such armed conflicts to prevent the violation of human rights and promote a satisfactory and equitable access to education.

Section III: Aggravation of the aforementioned situations

29. As is evident after reading this report, the education system already showed a clear general decline and additionally, the COVID-19 pandemic has directly aggravated all of the situations mentioned here. The lack of a solid healthcare system and the absence of a transparent vaccination plan make it hard for children to resume school attendance in person. Even so, digital classes are not a valid option due to the low penetration of digital technologies and the obvious connection problems. The alternatives offered by the State, such as the educational program "Each Family a School"¹³, show clear deficiencies because they are not inclusive in essence and exhibit marked inequalities regarding the access to technology of both students and teachers. The mental and physical health of children, on the other hand, is seriously affected in the context of the pandemic, which also reduces the capacity of schools to provide protection for them.
30. We think that the solution of the aggravation represented by the pandemic for the existing problems must involve not only the disappearance of the crisis itself, the reopening of schools through the implementation of strategies to resume in-person classes that have been effective in other countries and fundamentally, the creation and implementation of an efficient vaccination plan that includes all of the educational community, but also the general improvement of living conditions in the country, so that children can enjoy greater access to education and the better exercise of all their other rights.

¹² "Programa de Alimentación Escolar" for its initials in Spanish.

¹³ The program "Each Family a School" is, according to the Ministry of People's Power for Education, "a multiplatform offer of non-presential education" which consists of the distribution of educational content through the internet and a television program broadcast daily through the various State-run channels. It was first broadcast on March 16th, 2020, through Venezolana de Televisión (VTV).

Lack of official data

31. As is evident throughout this document, the absence of transparent information restricted our capacity to expose problems and recommend solutions. This limitation was partially offset through the access to the first-hand testimonies of children and adolescents. However, the quarantine derived from the crisis caused by COVID-19 also prevents access to testimonies. We think that this absence of figures is a datum in itself: the situation of children in Venezuela is so overlooked that there are not even real statistics to cover it.
32. **Recommendation:** We believe that this problem must be solved by demanding transparency in the collection and publication of information, and by taking measures so that the necessary figures are timely available to the entire population.