



Embassy of the Bolivarian Republic of Venezuela to the UK and Ireland

*Fact Sheet:*  
**VENEZUELA'S NEW EDUCATION LAW**  
**MYTH AND REALITY**

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On August 14<sup>th</sup>, 2009, the new “Organic<sup>1</sup> Education Law” was approved by the Venezuelan National Assembly at its second reading and enacted by President Chávez on August 15<sup>th</sup>.<sup>1</sup> The law aims "to guarantee our people a free, accessible ... and secular education that ... ensures teacher stability and autonomy",<sup>2</sup> as highlighted by Saul Ortega, Vice President of the National Assembly.

As has occurred repeatedly in the past, the opposition and mainstream media have tried to discredit the policies proposed by the government. In the specific case of the new education law, they unjustly claimed it to be undemocratic, indoctrinating, unconstitutional, and much more.

The following fact-sheet will rectify these distortions and show that the new education law simply ensures that the Venezuelan education sector is organised in a more democratic way, similar to that in place in most other democracies in the world.

**Myth: The new education law is yet another attempt to dominate society.**

**Reality: The state intends to properly regulate the education sector.**

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Education Minister Navarro clearly explained the intention behind the reform of the old education law. *"We have the responsibility to the country and the Constitution... to create a law that is adapted to the reality in which the country finds itself. The current one was passed in 1980 without public consultation and as a result it is anachronistic," he said.*<sup>3</sup>

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<sup>1</sup> An “organic” law has the highest legal stature under the constitution and upholds constitutional principles.

The new law, far from being dominating, obliges the state to guarantee the infrastructure, equipment, and services necessary to ensure that the conditions of access to a democratic, continuous, integral, intercultural and quality education are the same for everyone.

The law foresees education to be "a universal human right, a fundamental, inalienable, non-renounceable social duty, and a public service". Education is to be free of charge up to university undergraduate level, and education spending is to grow progressively as a percentage of GDP.

These are regulating principles that should be the norm in any democratic society. While the state has an obligation to provide for the necessary educational infrastructure and for the guiding principles, Article 36 clearly recognises the autonomy of universities in terms of intellectual and academic freedom.

**Myth: The new education law is indoctrinating.**  
**Reality: The new law prohibits party politics in the classroom.**

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The opposition claimed that the new law would allow for social propaganda and political indoctrination in the classroom.

The truth is that the word “socialist” does not even appear anywhere in the text of the new law. In fact, a whole section of the law refers to the prohibition of party propaganda in educational institutions.

In that context some critics argued that Community Councils<sup>2</sup> (CC) would supervise and

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<sup>2</sup> Communal Councils are understood as grassroots based neighbourhood assemblies endowed with



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control educational institutions. It is true that Community Councils, just like indigenous communities and other community organizations will be obliged to contribute to citizenship education, with a focus on the historical, cultural, and environmental reality of the area in which they are active. Furthermore, CC will form part of a larger educational community, alongside parents, students, teachers, support staff, workers and community organizations, all contributing to the process of education in citizenship according to the constitution. In fact, “leaders of the National Workers’ Union (UNETE), Venezuela’s largest trade union confederation, praised the law for extending job protection for teachers as well as support staff in educational institutions, and for establishing a more democratic university admissions policies.”<sup>4</sup> *There is no section anywhere in the law that would allow for CC to control schools or the educational system.*

**M: The law has not been sufficiently discussed in public and is therefore unconstitutional.**

**R: The law has been discussed since 2001.**

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The National Assembly passed the first draft of this law in August 2001. Over the last eight years legislators have repeatedly organised “street parliamentary sessions” where student organisations, political parties, teacher unions and other civil society groups publicly debated the contents of the law. The second draft was submitted for discussion to the National Assembly on August 5 and was approved by it on 14<sup>th</sup> August. *This process is in clear accordance with section IV of Venezuela’s Constitution, governing the enactment of legislation.*

**M: Students organisations will be abolished.**

**R: The new law establishes student councils without abolishing other types of student organizations.**

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financial and political powers to resolve community problems.

There is no indication anywhere in the legislation that would abolish students unions. Article 21 of the new law talks about the formation of student councils aimed at promoting citizenship through direct participation of students in the educational community. The law makes clear that student councils are formed “without reducing other forms of organising”.

**M: The new law permits the state to take custody of children.**

**R: Simply Wrong!**

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Opposition media falsely argued that the law would allow the state to take custody of children from age three to twenty. The Minister for Higher Education clarified these issues in a public statement in June, giving an assurance that “in none of the articles is there an indication anywhere that the state would take custody of children, as some media have reported”<sup>5</sup>.

**M: University autonomy threatened.**

**R: No threat to university autonomy.**

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There were claims by some critics that the new law would be a threat to Venezuela’s autonomous universities, which, although they receive financial support from the state, are, in contrast to public universities, run independently. While the law does modify the way autonomous universities are administered in order to rectify structural problems such as corruption on the administrative level and a lack of transparency and democracy in the budgeting process, the law is in no way a threat to the existence of autonomous universities. Rather, Article 34 states that university authorities need to be “nominated and elected based on participative democracy” which means that the authorities must be elected by the whole university community, including students, teaching and administrative staff and support workers. This is a clear move towards a more democratic system as, under the previous law, top university posts were allocated by a small group of university administrators and



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in elections where students were allowed to take part, their vote counted for less than the vote of higher level personnel, while support workers remained completely excluded from elections.<sup>6</sup>

While the law does set out rules as to how autonomous universities should be administered, in no way does it limit the academic freedom of autonomous universities as guaranteed in Article 34.

**M: Religion threatened.**

**R: Free choice of spiritual affiliations.**

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Under Article 7, the law ensures that the state maintains its laic character in educational matters, preserving its neutrality with respect to all religious groups and organisations. While religious education will not be prohibited in schools, neither will it be obligatory in the curriculum, according to Maria de Queipo, the President of the Education Commission in the National Assembly.<sup>7</sup> Article 7 adds that religious education is a right and responsibility of the family, according to its convictions and to religious liberty as set out in the Constitution.

**M: Press freedom threatened.**

**R: No threat to press freedom.**

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Some international media claimed that press freedoms would be threatened, as the law would allow for media outlets to be suspended. Neither the first, nor the second statement is correct. *The “Organic Law of Education” has been enacted to regulate the education sector and not the media.* The only time the law makes reference to the media is in relation to the prohibition of the incitement of hatred in educational institutions. In that context Article 10 mentions that "It is prohibited in all centres of education and institutions of the country, to publish and distribute programmes, messages, publicity, propaganda ... through print, audiovisual or other media that incite hate, violence, insecurity, intolerance ... that threaten ... peace, moral, ethics, good behaviour, health, human coexistence,

human rights and the respect for the rights of indigenous peoples ... and Afro-descendants, that promote terror, discrimination of any type, ...harm democratic principles". *There is no wording anywhere in the legislation that would allow for media outlets to be suspended at any time.*

## CONCLUSION

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While positive criticism is always welcome as it can indicate weaknesses in a government's endeavours and suggest improvements, myths and lies that aim to discredit democratic processes are not helpful to anyone, but rather "form part of a campaign that seeks to generate fear in the population"<sup>8</sup>, as expressed by Minister Navarro.

The “Organic Education Law” regulates the Venezuelan educational system in a most democratic manner. It is centred on the basic concept that it is the state's responsibility to guarantee that all citizens have access to high quality education. It introduces a minimum 200-day school year, respects ideological and religious pluralism, intercultural and bilingual indigenous education and democratises university access. And this is to highlight just a few of the benefits usually ignored by the mainstream media.

London, September 14, 2009

<sup>1</sup> El Nuevo Herald. Aug. 15, 2009/ “Chávez Promulgó Nueva Ley de Educación”

<http://www.elnuevoherald.com/213/story/520344.html>

<sup>1</sup> Venezuelanalysis. Aug. 14, 2009. “Venezuelan National Assembly Passes New Education Law”.

<http://www.venezuelanalysis.com/news/4722>

<sup>1</sup> <http://www.venezuelanalysis.com/news/4528>

<sup>1</sup> Venezuelanalysis. Aug. 14, 2009. “Venezuelan National Assembly Passes New Education Law”.

<http://www.venezuelanalysis.com/news/4722>

<sup>1</sup> Noticias24. “Nueva ley de educación no contempla que el Estado asumirá patria potestad de los niños” <http://www.noticias24.com/actualidad/noticia/56090/nu-eva-ley-de-educacion-no-contempla-que-el-estado-asumira-patria-potestad-de-los-ninos/>

<sup>1</sup> Suggett, James. Aug. 21, 2009. “Venezuelan Education Law: Socialist Indoctrination or Liberatory Education?”

<http://www.venezuelanalysis.com/analysis/4734>



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<sup>1</sup> [Ibid.](#)

<sup>1</sup> Ibid.

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