

Universidad Veracruzana

Junta de Gobierno

Mr. Kishore Singh

Special Rapporteur on the right to education
United Nations Human Rights Council

RE: Letter of complaint on the violation of the right to higher education in Veracruz, Mexico.

18 March, 2016

Dear Mr. Kishore Singh,

Adolfo Martínez Palomo, Eduardo Matos Moctezuma, Elena Rustrían Portilla, Federico Roesch Dietlen, Jaime Gonzalo Cervantes de Gortari, Jaqueline del Carmen Jongitud Zamora, María Soledad Loaeza Tovar, Ricardo Corzo Ramírez and Roberto de Jesús Olavarrieta Marengo write to you as members of the governing body of Universidad Veracruzana¹. We attach the accreditation of our appointments together with a copy of official identification for each member (Appendix 1).

As members of the governing body of Universidad Veracruzana², we have both direct knowledge and reliable evidence of incidents regarding the violation of the right to higher education and of incidents taking place in Veracruz (a federal state of the United Mexican States). These incidents give us cause for concern and may lead to serious violations of the right to higher education against the university community of Veracruz including students, teaching assistants, academic, administrative, technical and maintenance personnel³.

Either through actions or omissions, there are behaviours that we understand are contrary to the right to higher education and we feel obliged to bring them to your attention, in your role as international expert on the right to education and as a sensitive individual committed to the cause of human rights. Breaches are being made by the Governor of Veracruz state, Javier Duarte de Ochoa, the Secretary of Finance and Administration of Veracruz, Antonio Gómez Pelegrin and the Secretary of Education of the same federal state, Xóchitl Adela Osorio Martínez. Omissions to act by Enrique Peña Nieto, President of the United

¹ Universidad Veracruzana (UV) is an autonomous, public, socially responsible, higher education institute based in the capital of the Veracruz state in Mexico (Art. 2 of the Law of Autonomy of UV and Art. 1 of the Constitutional Law of the same university). For general or specific information about the university, please consult: www.uv.mx.

² The governing body of Universidad Veracruzana totally integrates academics 100% (Art. 6 of the Law of Autonomy of UV) and its principle functions include the appointment of the Rector of the institution, to exercise vigilance and control over the budget and the University's estate (Art. 4 of the Autonomous Law of UV).

³ Art. 88 of the Autonomous Law of UV.

Universidad Veracruzana

Junta de Gobierno

Mexican States and the Secretary of Public Education, Aurelio Nuño Mayer, also make them responsible.

The Mexican State has signed up to each and every single one of the regional and universal human rights treaties that recognise and develop the right to education at all levels⁴. The Federal State has the responsibility to respect, protect and comply with the right to education throughout the entire country, including Veracruz. Respecting the right to higher education involves a commitment to make use of all strategies and available means, that are both realistic and suitable (particularly through the progressive implementation of free higher education), to facilitate equal, non-discriminatory access for all students to this level of education, in accordance with their merit and capabilities.

1. Background

1.1 Universidad Veracruzana

Universidad Veracruzana was officially founded on the 11 September 1944. Over 72 years, it has emerged as the foremost institution for higher education in the state of Veracruz⁵ and is the university with greatest impact in the southeast of Mexico⁶. It has a presence in 5 regions⁷ and 28 municipalities in the state of Veracruz. The teaching staff is made up of 4,775 professors and 1,250 technical practitioners⁸. In this academic period February-July 2016, 314 courses are being offered: 8 higher technical certificates, 174 undergraduate and 132 postgraduate degree programmes⁹. 62,770 students are enrolled in formal education programmes while 15,871 are registered in non-formal education programmes (art workshops, the centre for languages and the school

⁴ International Covenant on Economic, Social and Cultural Rights (art. 13 & 14/ acceded on 23/03/1981); Convention on the Rights of the Child (art. 28/ signed: 26/01/1990; ratified: 21/09/1990); Convention on the Rights of People with Disabilities (Art. 24/ signed: 30/01/2007; ratified: 17/12/2007); the American Convention on Human Rights (Art. 26/ acceded on 03/02/1981); Additional Protocol for the American Convention on Human Rights in the area of Economics, Social and Cultures "San Salvador Protocol" (Art. 13/ signed: 11/17/1988; ratified: 03/08/1996).

⁵ Guevara Huerta, Rafael, "Universidad Veracruzana: introducción". See at: <http://www.uv.mx/universidad/info/introduccion.html>, Date of Consultation 1 March 2016.

⁶ See for example: Echeverría, Juan Francisco y Gourg, William, "Las mejores universidades de México. Ranking 2015", en *El Economista*, de 20 de julio de 2015, disponible en: <http://eleconomista.com.mx/especiales/americaeconomia/2015/07/20/las-mejores-universidades-mexico-ranking-2015>, fecha de consulta 1 de marzo de 2016.

⁷ A saber: Xalapa, Veracruz, Orizaba-Córdoba, Coatzacoalcos-Minatitlán y Poza Rica-Tuxpan (art. 12 de la Ley Orgánica de la Universidad Veracruzana).

⁸ Dirección de Planeación Institucional de la Universidad Veracruzana, "Personal académico por tiempo de dedicación", disponible en: <https://www.uv.mx/numeralia/personal/>, fecha de consulta 9 de marzo de 2016.

⁹ Dirección de Planeación Institucional de la Universidad Veracruzana, "Programas educativos", disponible en: <https://www.uv.mx/numeralia/programas/>, fecha de consulta 9 de marzo de 2016.

Universidad Veracruzana

Junta de Gobierno

for foreign students, among others¹⁰). In December 2015¹¹, 83.12% of those registered in a full-time degree programmes and 57.66% of those in part-time programmes, were attending programmes accredited for their academic quality and 57.66% of postgraduate programmes were recognized by the National Postgraduate Quality Programme.

UV has a long tradition of humanist development. Since its inception, the university's commitment has always been to participate in and contribute to the cultural activities of the national and international community, favouring the principles that govern education in the wider frame of human rights, including arts, sports, humanities and social sciences which are part of the university's identity. The university has recently developed inclusive, intercultural programmes through the Intercultural Universidad Veracruzana, focused on providing pertinent higher education for indigenous areas of the state, which has embraced a culture of human rights and gender equality.

Universidad Veracruzana plays a strategic role in developing human rights at local and regional level because it is situated in an area of the country with the lowest level of overall development. Here, there is one of the highest rates of poverty together with the lowest level of education. In fact, Veracruz is one of ten states in the Mexican Republic with the highest rates of poverty (58%) and extreme poverty (17.2%) in the country.¹² The state's population has an average of 7.7 years in education by comparison to the national average of 8.6 years. The illiteracy rate is currently 11.44% in Veracruz compared to the national illiteracy rate of 6.88% and, of those in the state aged 18 years or more, only 8.25% have professional qualifications and just 0.55% have studied at postgraduate level. This shows the very poor rate of educational attainment amongst men at 49.40% and amongst women at 51.70%.¹³ Veracruz, where 31.6% of the population has access to higher education¹⁴, finds itself some distance behind the national average of 50%.¹⁵

¹⁰ Dirección de Planeación Institucional de la Universidad Veracruzana, "Matrícula", disponible en: <https://www.uv.mx/numeralia/matricula/>, fecha de consulta 9 de marzo de 2016.

¹¹ Dirección de Planeación Institucional de la Universidad Veracruzana, *UV en números*, diciembre de 2015, p. 1.

¹² Consejo Nacional de Evaluación de la Política de Desarrollo Social –CONEVAL–, "Medición de la pobreza en México y en las entidades federativas 2014", CONEVAL, México, 2015, disponible en: http://www.coneval.gob.mx/Medicion/Documents/Pobreza_2014_CONEVAL.pdf, fecha de consulta 2 de marzo de 2016.

¹³ Ídem

¹⁴ Secretaría de Educación Pública, "Estadística del sistema educativo de Veracruz. Ciclo escolar 2013-2014", disponible en: http://www.snie.sep.gob.mx/descargas/estadistica_e_indicadores/estadistica_e_indicadores_educativos_30VER.pdf, fecha de consulta 16 de marzo de 2016.

¹⁵ Pierre-Marc René, "Lanza Nuño para rectores de las universidades", en el *Universal*, de 2 de marzo de 2016, disponible en: <http://www.eluniversal.com.mx/articulo/nacion/sociedad/2016/03/2/lanza-nuno-seis-retos-para-rectores-de-las-universidades>

1.2 The Actions of the Government of Veracruz (Mexico)

Breach of the agreement on the payment of state and federal funding to UV by the Secretary of Finance and Planning for the state of Veracruz

On the 30 of September 2015, the Secretary of Finance and Planning for the state of Veracruz (SEFIPLAN) owed Universidad Veracruzana, 2,092 million pesos in subsidies; 451.7 million pesos from federal funds and 1,640.8 million pesos from state funds; these overdue payments date back to 2008. On the same date, failure by the state government to comply had repercussions, which included a breach of institutional commitments, notably the withholding of 655.7 million pesos in tax, not including charges, fines and penalties (Appendix 2)¹⁶.

2,144 million pesos is the amount of subsidies not paid by SEFIPLAN last January 2016 so, the University has had to prioritise in order to pay the salaries of academic, administrative, technical and maintenance personnel. On the 31 of January this year, the University owes the Revenue Services 934.5 million pesos in unpaid income tax of which 102.7 million pesos corresponds to charges and penalties. The governing body of UV has noted all of the above, as is it's brief.

Reduction in UV's budget by the Veracruz state Congress

Decree No. 623 of the Budget Expenditure for the fiscal year 2016 was published on the 29 December 2015 (Appendix 3). This decree, which was passed by the local legislature for the state of Veracruz, reduced the original state subsidy for UV by 172.2 million pesos. That is 7% less than the budget authorised in the previous year (Appendix 4)¹⁷. This is a direct challenge to the progress made in guaranteeing human rights.

Reform of the Law of the Institute of state Pensions by the Executive

On the 18 February this year, the state Executive sent a reform of article 98 of the Law of the Institute of state Pensions (IPE), to Local Congress (Appendix 5). This document basically implied the evasion of the government's responsibility to pay pensions and to pass this responsibility on to the employers, as the IPE also faced a shortage in funds. This violates the reason for the existence of IPE, whose role is to safeguard the state workers' social security. In the case of UV,

¹⁶ UV General Comptroller, Third trimonthly report on *finances 2015 (July-September)*, General Comptroller, Mexico, 2015, p. 94, section a).

¹⁷ Presentation by UV General Comptroller to the Governing Body in the first ordinary session on 25 February 2016, slide 6.

Junta de Gobierno

this arrangement would impact in an unsustainable way, acting as a financial burden because as well as having to pay salaries and benefits, it would have to pay retiree pensions, many of whom have contributed to the IPE over their professional lifetimes. On 9 March, as a result of opposition, the state Executive publically withdrew the modified article 98 of the IPE Law (Appendix 6, subsection 3).¹⁸ However, despite this move, no legal certainty is given as there has been no official statement by the state legislature to date.

Government attitude on state debts to UV

When UV demanded payment, the Veracruz state Governor made statements¹⁹ that ranged from denying the impending debt, falsely accusing UV (through state agencies) of owing monies to IPE, and claiming that UV was responsible for IPE failing to pay retired workers²⁰ on-time. These misleading statements he later accepted and then publically contradicted himself, threatening that he would only pay the university 450 million pesos before his term as Governor concludes.²¹

The state Executive has argued that financing UV is deemed a subsidy and, therefore, is not obligatory and depends on the budget available from the federation. However, the government's position fails to consider three key factors: firstly, that contributions to public higher education provided by autonomous Higher Education Institutes (HEIs) is convened by three parties (federation, state and university, see Appendix 12); secondly, that the agreement is in accordance with the Law for the Coordination of Higher Education and rests on the willingness of the parties and available resources; thirdly, that the amount of contributions are based on the budgetary availabilities, which is stated in the general laws of the federal and local budgets in force.

2. Legal proceedings initiated

¹⁸ Noé Zavaleta, "Duarte decide no enviar iniciativa sobre pensiones horas antes de megamarcha", en *Proceso en línea*, 9 de marzo de 2016, disponible en: <http://www.proceso.com.mx/433005/duarte-recula-en-iniciativa-ley-pensiones>.

¹⁹ Redacción XEU Noticias, "A la UV no le debemos nada y seguimos subsidiándola", de 7 de septiembre de 2015, disponible en: http://www.xeu.com.mx/nota_cfm?id=748193, fecha de consulta 10 de marzo de 2016.

²⁰ Eirinet Gómez, "La UV debe \$2,065 millones al Instituto de Pensiones del Estado, según Duarte", en *La Jornada*, de 13 de noviembre de 2015, disponible en: <http://www.jornada.unam.mx/2015/11/13/estados/043n1est>, date consulted 10 March 2016

²¹ See for example: Redacción Revolución, "Duarte desconoce deuda con Universidad Veracruzana de 2 mmdp; sólo pagará 450 mdp", en *Revolución tres punto cero*, de 10 de marzo de 2016, disponible en: <http://revoluciontrespuntocero.com/duarte-desconoce-deuda-con-universidad-veracruzana-de-2-mmdp-solo-pagara-450-mdp/>, date consulted 10 March 2016; Tania Rosas, "Duarte sólo pagará 450 de los 2,000 mdp adeudados a la UV", en *El economista*, de 9 de marzo de 2016, disponible en: <http://eleconomista.com.mx/sociedad/2016/03/09/duarte-solo-pagara-450-2000-mdp-adeudados-uv>, date consulted 10 March 2016.

Junta de Gobierno

Prior to taking legal action, the President of UV undertook various actions with the intention of completely resolving the issue and restoring monies owed. This included a number of meetings with the state Governor; a meeting with the former federal Minister of Education (Emilio Chuayffet Chemor) and current federal Minister, Aurelio Nuño Mayer; a meeting with the Treasury Commission and the Education Commission of the Senate of the Republic and another with the Education and Culture Commission of the state Congress. A letter was also sent to Mr. Enrique Peña Nieto, President of Mexico, which explained the dramatic financial situation UV faced. At various times throughout this entire process the Veracruz state Executive promised to pay UV everything it was owed, but has failed to act on its promise to date (video 4).

Through its legal representative, on the 2 February 2016, UV filed two criminal complaints on the of lack of prompt payments. One of the complaints relates to federal law and was filed before the Agency of Public Ministry of the Attorney of Regional Control, Criminal Procedure and Protection of the Attorney General to the Republic for the debt of 451.1 million pesos in accordance with the Extraordinary Federal Subsidy, which was filed under AP/PGR/XAL/IV/012/2016/P.P. The other legal complaint was filed (2/11/2016) and ratified (8/11/2016) before the Coordination of the Special Prosecutor for Offences related to acts of Corruption Committed by Public Servers of the Attorney General of the state of Veracruz, for a debt which amounts to 1,625.1 million pesos, for the concept of ordinary and extraordinary state subsidies.

UV also filed an appeal for constitutional protection, on the 2 February 2016, to the Tribunal of Mixed Affairs of the Seventeenth District of Xalapa, on the issuance of Decree No. 623 on the Budgetary Expenditure for the fiscal year 2016, through which the ordinary state subsidy was diminished by 7% compared to the budget authorised in 2015.

3. The Violation of the Right to Higher Education

Mr. Kishore Singh, from our perspective the government of Veracruz **violates its responsibility to respect** the right to higher education because it fails in its duty to deliver state and federal funding, it interferes and obstructs the delivery of education services by UV and, in effect, the right to third-level education. In the same way, Decree No. 623 on the budgetary expenditure of the Veracruz state government for the year 2016 highlights the state's breach of its obligation to respect and its **failure to prevent regressive behaviour**, with regard to the guaranteed right to higher education in Veracruz.

Junta de Gobierno

Mr. Rapporteur, we understand that the Mexican State, through its legal powers, **fails in its obligation to act as protector** by not establishing suitable legal frameworks that prevent the abuse of this right by both individuals and its own agencies. In this light, it is worth highlighting that the internal right regarding this case omits sanctions on government officials who do not act in accordance with their duties. It fails to clearly determine an amount to be assigned to the public system of higher education in the country and fails to establish rules for this assignation. This has given rise to discretionary measures when agreements are made and unequal treatment among HEIs in Mexico. Furthermore, the current legal framework (administrative, civil and penal) fails to resolve access to funds required to avoid irreparable damage to the right to higher education.²² This evidences the absence of effective mechanisms to protect against these type of situations, of which UV is not the only HEI affected in Mexico. In fact, UV's case should not be seen as "an isolated incident", but part of a government tendency which is repeated in various parts of the country.²³

For these and other reasons, various experts have pointed out that the Mexican

²²In Mexico, article 3 (sections IV, V, VII & VIII) of the Federal Constitution determines the following: all Education provided by the State (Federation, States, Mexico City and Municipalities) will be free; the State must promote and serve all types and modalities of education, including higher education; and the Congress of the Union is responsible for issuing the laws required to set the corresponding economic contributions for education and to outline the applicable sanctions to government officials who do not comply or fail to comply with the related laws. The Law for the Coordination of Higher Education (art. 1, 12, 21 & 24 to 26) sets the bases for the distribution of the higher education responsibility between federation, states and municipalities, **but does not determine sanctions for government officials who fail to comply with their responsibilities or anticipate the amount of contributions that correspond to each of the levels of government**, it only determines that the federation must support the celebration and application of agreements to foster and develop higher education and assign (within their budget availability and viewing the requirements) federal public funds that must be kept within their payments for the approved calendar, an obligation that is complemented with art. 23 of the Planning Law, according to which the education sector programme must contain estimated funds and those responsible for their execution. The General Law on Education (art. 6, 9, 25 to 28 & 75, fracción XIII) reiterates the constitutional norm of free education provided by the State and the duty to promote and provide higher education. It states that the Federal Executive and the government of each federal state agree on the funding of public education, which may not be less than 8% of the Gross Domestic Product of the country and of which at least 1% must be destined for research and technological development at public Higher Education Institutes. It determines that continuity be given to the budget assigned to each level of education its concurrently observed, so that the population may reach the highest level of studies possible. It also imposes an obligation on federal states to not transfer nor use federal funds received for education for other purposes and if they act to the contrary, compliance will proceed as foreseen in legislation on administrative, civil and penal responsibilities, acts that according to articles 11, sections I & II, & XI, fall to the federal and state education authorities. Finally, it obliges the federal and state governments to prioritise public education, to ensure funding sources and assign increasing funds to the same in their budgets. However, the Law **fails to state the sanctions to be imposed on government officials who do not comply with their responsibility to monitor and apply it** and fails to state the sanctions that from the same must be applied to government officials who do not comply with their responsibilities in the funding of public education.

²³National press reports cases in the autonomous universities of Morelos, Guadalajara, Chihuahua and Coahuila. A general analysis of the situation can be read in: Da CunhaLopes, Teresa, "Estados en crisis, presupuestos y universidades públicas", en *Observatorio jurídico Nicolaita*, de 4 de febrero de 2015, disponible en: <http://www.observatoriodiridiconicolaita.com/2015/02/estados-en-crisis-presupuestos-y.html>

Junta de Gobierno

legislation on the right to education has shortcomings and deficiencies which make it difficult to proceed legally in the case of violations.²⁴ Despite the existence of legal mechanisms, that hypothetically enable legal action, in practice these are ineffective and unattainable to those directly affected by non-compliance.²⁵ Hence, it has been highlighted that a law that regulates higher Education is required, as higher education lacks legal protection compared to other levels of education in Mexico.²⁶

Furthermore, Mr. Singh, we believe that the state behaviour in this incidence could constitute **discriminatory practice**, in terms of the General Comment No. 13 of the Committee for Economic, Social and Cultural Rights²⁷ as it affects youth from the most vulnerable and marginalised sectors of the state, who do not have resources to access private higher education, which according to official data for 2011-2012 constitutes 31.7% of national registration.²⁸

The state also **violates its obligation to respect** the right to higher education as evidenced in the above, its action fails to integrate all of the positive measures necessary to permit the full enjoyment of this right, and to the contrary, it is generating an obstacle to the same. This action, instead of facilitating, creates obstacles for all UV students to enjoy their right to higher education, who, for reasons beyond their own control, lack the economic resources to access education, hence the state fails in its obligation to provide.²⁹

The state's behaviour **contravenes its specific legal obligation to respect, protect and fulfil the essential features of access, availability, acceptability and adaptability of higher education.**³⁰

The financial situation has led UV to suspend 288 key infrastructure developments and maintenance work that negatively affects the five regions that integrate the University, detailed in the following table:³¹

²⁴See for example: Latapí Sarre, Pablo, "El derecho a la educación. Su alcance, exigibilidad y relevancia para la política educativa", en *Revista mexicana de investigación educativa*, a. 14., núm. 40, 2009, pp. 255-287.

²⁵Pallares Yabor, Pedro, "la protección y justiciabilidad de los DESC: un camino posible en México" en *Derechos humanos México. Revista del Centro Nacional de Derechos Humanos*, a. 1., núm. 3, 2006, pp. 91 y 96

²⁶Jongitud Zamora, Jaqueline, "Por una Ley General de Educación Superior para México", en *Letras jurídicas. Revista multidisciplinar del CEDEGS*, a. 15., núm. 30., 2014, pp. 209-215.

²⁷Committee on Economic, Social and Cultural Rights, *General Comment No. 13. The right to education (Article 13 of the Covenant)*, 1999, paragraph 37.

²⁸Secretaría de Educación Pública, *Sistema educativo de los Estados Unidos Mexicanos. Principales cifras del ciclo escolar 2011, 2012*, SEP, México, p.145.

²⁹Committee on Economic, Social and Cultural Rights, *General Comment No. 13. The right to education (Article 13 of the Covenant)*, 1999, *Op. cit.*, paragraph 46 & 47.

³⁰*Ibid.*, paragraph 50.

³¹Armando Ramos, "Por adeudo, la UV suspende 288 obras de infraestructura y rehabilitación" (con referencia a la respuesta proveída por la UV a la solicitud de información número 037/2016), en *Formatosiete*, de 16 de febrero de 2016,

Universidad Veracruzana

Junta de Gobierno

Region	Suspended	Contracted works on hold	Pending contracts	Examples of types of work
Xalapa	46	5	56	18 classrooms
Veracruz-Boca del Río	14	2	28	2 workshops 1 library
Córdoba-Orizaba	22	2	17	10 laboratories
Poza Rica-Tuxpan	27	2	27	3 computer centres
Coatzacoalcos-Minatitlán	21	11	8	2 bathrooms 1 carpark

In academic terms this negatively affects the institution's capacity to increase registration (**accessibility**) into both formal and non-formal programmes of study, which affects those who, without the state obstructions, would have access to quality public education. Analysis shows that the UV's lack of growth in recent years has fostered a process of privatisation of higher education in the state and an excessive growth of institutions offering higher education, some of which are of dubious quality.³²

Furthermore, UV's financial situation puts UV at risk of losing certain certifications and accreditations it has gained, as some of the quality indicators have not been possible to maintain, due to the lack of resources and it has been impossible to comply with observations or recommendations to improve infrastructure and equipment. This is the case, for example, in Medicine, Veterinary and Zoo-technician in the Veracruz-Boca del Río region, which requires a Hospital for Large Species and the modernisation of laboratory equipment. The situation is serious in areas such as Medicine (only two of five faculties are accredited) where students who graduate from unaccredited programmes will confront limitations to finding spaces to carry out their compulsory social service placements and medical residencies. This creates enormous worry about the imminent recertification of programmes,³³ as there are insufficient resources to host visits by the required evaluating organisations, which **affects the acceptability of education and assurance of quality**.

Furthermore, this situation is negatively affecting a diverse range of university

available in: <http://formato7.com/2016/02/16/por-adeudo-uv-suspende-288-obras-de-infraestructura-y-rehabilitacion/>, fecha de consulta 10 de marzo de 2016.

³²Barcelata, Hilarío, "5% si: por una universidad colapsada, por un Veracruz en ruinas", en *Al calor político*, de 16 de marzo de 2016, available in: <http://www.alcalorpolitico.com/informacion/columnas.php?idcolumna=10728&c=77#.Vu0L18c53IM>

³³See: Edgar Ávila, "Universidad Veracruzana tiene 22 licenciaturas sin acreditar" en *El Universal*, 7 de marzo de 2016: <http://www.eluniversal.com.mx/articulo/estados/2016/03/7/universidad-veracruzana-tiene-22-licenciaturas-sin-acreditar>; Rafael Meléndez Terán, "Por crisis financiera, UV detiene construcción de salas de juicios orales en la Facultad de Derecho", en *Al calor político*, 2 de marzo de 2016. Disponible en: <http://www.alcalorpolitico.com/informacion/por-crisis-financiera-uv-detiene-construccion-de-salas-de-juicios-orales-en-facultad-de-derecho-195590.html#.VuBh8sc53IM>;

Universidad Veracruzana

Junta de Gobierno

processes including the development and dissemination of research, technological innovation and updating, sustainability of permanent academic and administrative posts needed for the optimal performance of academic departments, carrying out academic and cultural events, support for academic and student mobility and exchange, and the promotion of evaluation and registration of postgraduate programmes on the National Quality Postgraduate Programme. All of which, in terms of the Committee on Economic, Social and Cultural Rights affects the **adaptability and availability of education**, as the generation of study plans is insufficient. If these are not supported by resources that reflect the contemporary needs of students in a transforming world that must include classrooms, study materials, resources to train teachers with employment conditions, as referred to in UNESCO's recommendation, concerning the Status of Higher-Education Teaching Personnel. To this end, the Council of Public Universities and the 180 members of the Mexican National Association of Universities and Higher Education Institutions (ANUIES), including both private and public HEIs in Mexico, since last year (October) manifested their concern about UV's financial situation and summoned the Veracruz state Government to comply with the immediate delivery of both state and federal resources, given the imminent risk of UV not being in a position to fulfil its social mission.³⁴

Given this scenario, the university community and civil society has exercised their right to protest on three occasions: 25 and 26 of February and 10 of March, 2016, demonstrating their respect and civility, as evidenced in videos available in links as appendices to this document. UV's situation is so evidently contrary to the ethical and legal values that sustain legal democratic states, the institutional and social support for UV is clear in statements from ANUIES; the Union of Universities of Latin America and the Caribbean (UDUAL); the University Network of Arts (RUA); the Senate of the Republic³⁵ and other HEIs and trade unions.³⁶

UV's case has attained national notoriety and has been brought to the attention of the President of the Republic and the Minister of Education, without to date any official intervention, especially from the Minister of Education, who is responsible for matters in this area.³⁷ We therefore consider that the federal authorities are evading their responsibilities to protect and guarantee the right to higher education.

³⁴Press release on 27 October 2015, available in: <https://www.uv.mx/noticias/2015/10/28/anuies/>

³⁵Can be consulted in appendices 8, 9, 10 & 11 of the present document.

³⁶See: "BENV & SITEV expressed support for UV," en *De Interés Público. Política, Sociedad y Cultura*, de 7 de marzo de 2016: <http://deinterespublico.com/2016/03/07/uv-recibe-apoyo-oficial-de-la-benv-y-del-sitev/>

³⁷See *Supra*. Nota número 16.

Universidad Veracruzana

Junta de Gobierno

Mr. Singh, if the state Governor fulfils his word to only pay the federal debt owed, it will not be possible to pay academic, administrative and maintenance staff; it would cause serious repercussions to the institutional academic project and most probably the university estate would be negatively affected, along with the provision of educational services, when the Federal Tax Office imposes VAT retained by UV from its employees.³⁸

Our uncertainty increases, given that the current federal government period concludes in December of this year, without the UV having received to date any payment of the current subsidy due for 2016.

4. Petitions

Mr. Kishore Singh, we trust fully in your sensitivity and knowledge, on the importance of education in general and higher education specifically, as the ideal person to bring foresight and expertise to guide this case with the Mexican authorities and to avoid further implications for the UV community. To this end, we kindly and respectfully request the following of you:

1. Establish dialogue with the Mexican state on this affair and on the measures they will take to resolve this situation;
2. Visit Mexico, a State which maintains a permanent open invitation to all International Human Rights mechanisms, to directly ascertain the state of affairs we refer to; and
3. In due course, issue a report you consider relevant.

Please do not hesitate to contact us for any clarification or further information required,

Sincerely,



Elena Rustrián Portilla
President of the Governing Body of UV



Federico Roesch Dietlen
Secretary of the Governing Body of UV



Adolfo Martínez Palomo
Member of the Governing Body of UV

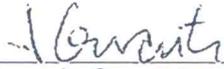


Eduardo Matos Moctezuma
Member of the Governing Body of UV

³⁸UV, en la mira del SAT por falta de pagos de Veracruz; podrían embargarle sus bienes, alerta abogado de la Universidad", en *El Diario de Veracruz*, de 13 de marzo de 2016, available at: <http://eldiariodeveracruz.com/uv-en-la-mira-del-sat-por-falta-de-pagos-de-veracruz-podrian-embargarle-sus-bienes-alerta-abogado-de-la-universidad/>.

Universidad Veracruzana

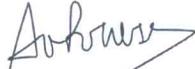
Junta de Gobierno



Jaime Gonzalo Cervantes de Gortari
Member of the Governing Body of UV



Jaqueline del C. Jongitud Zamora
Member of the Governing Body of UV



María Soledad Loeza Tovar
Member of the Governing Body of UV



Ricardo Corzo Ramírez
Member of the Governing Body of UV



Roberto de Jesús Olavarrieta Marengo
Member of the Governing Body of UV

Universidad Veracruzana

Junta de Gobierno

APPENDICES

Appendix 1. Appointments of the Members of the Governing Body of UV and copies of official identification for the same.

Appendix 2. Third trimester report on finances 2015 (July-September) by the General Comptroller of Universidad Veracruzana.

Appendix 3. Decree Number 623 on Budget Expenditure for Veracruz state Government for the Fiscal year 2016.

Appendix 4. Presentation by UV General Comptroller to the Governing Body in the first ordinary session on 25 February 2016.

Appendix 5. Initiative by state Executive to Reform Article 98 of the state Pensions Institute Law -IPE-.

Appendix 6. Letter No. 069/2016, sent by the Veracruz state Governor to the President of Universidad Veracruzana, Dr. Sara D. Ladrón de Guevara González.

Appendix 7. Open communication from the Veracruz state Governor to the President of Universidad Veracruzana, published in *Diario de Xalapa* on Sunday 28 February 2016.

Appendix 8. Verdict by the Council of Public Universities and HEI members of the National Association of Universities Higher Education Institutes (ANUIES).

Appendix 9. Verdict by the Executive Council of UDUAL: solidarity with the autonomy of Universidad Veracruzana in México.

Appendix 10. Verdict by the II Assembly of the Network of Art Universities -*Red Universitaria de Artes* (RUA).

Appendix 11. Agreement reached by the Senate of the Republic, that exhorts the Executive Mexican States and the authorities of Public Institutions of Higher Education to revise the pertinence and effectiveness of the conventional mechanisms of the administration, provision, management, operation, custody, exercise and application of financial resources destined for these institutions.

Appendix 12. Agreement on financial support signed on 14 January 2015, between the Federal Executive, through the Secretary of Public Education; the Veracruz state Government, represented by the Governor, Dr. Javier Duarte de Ochoa and Universidad Veracruzana, represented by the President, Dra. Sara Delfilia Ladrón de Guevara González.

Video 1. UV Choir protesting against Javier Duarte's Government. 25 February 2016. See: <https://youtu.be/csYHEoTj6As>

Video 2. University Community Protest on 26 February 2016. View at: https://youtu.be/OdVN9XSN_78

Video 3. #TodosSomosUV, University Community Protest on 10 March 2016. View at: <https://youtu.be/Qu7V0ThXtXY>

Video 4. Press Conference by Dr. Sara Ladrón de Guevara on the serious political and financial situation of UV, 5 February 2016. View at: <https://youtu.be/N9rkg4c3D2o>