EXECUTIVE SUMMARY

CRIMINALISATION AND VIOLATION OF STUDENTS’ HUMAN RIGHTS IN LATIN AMERICA AND THE CARIBBEAN

Reflections from the cases of secondary and university students in Chile, Colombia, Nicaragua and Honduras

Produced by: Campana Latinoamericana por el Derecho a la Educacion

With the support of: SAIH Norwegian Students’ and Academics’ International Assistance Fund
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A massive march occupies the streets in Chile.
Photo: Hugo Morales
PRESENTATION

This Regional Report is addressed to the situation of students in Latin America and the Caribbean as protagonists in the defence of the right to education and other human rights. There are plenty of examples of the negative response given by various States in our region to the demands of students and teachers. Also, the progressive closure of dialogue between the State and the subjects of the educational community. And more than that, the growing criminalization of its subjects in contexts of social protest, as well as situations of police repression, political persecution, use of lethal weapons, raids, arbitrary arrests, and prosecution, among others. At the same time, a series of normative instruments have come into force in recent years (laws, decrees, protocols and reforms to criminal law with the creation of new criminal figures), as well as an increase in government policies and practices which have become instruments for marginalizing critical positions, discouraging the exercise of democratic freedoms and increasing punitive controls.

CLADE, together with members of its network and other organizations, has been monitoring this phenomenon, which has allowed to identify that there are common challenges throughout the region, and that these events are part of a broader context of regression and restriction of social protest and weakening of democracy. Many of these violations are not systematically collected; numerous cases of human rights violations against students remain undocumented, and are not investigated or prosecuted. In other cases, human rights violations occur precisely in the investigative and judicial stages.
In 2018, CLADE and the Norwegian Students’ and Academics’ International Assistance Fund (SAIH) signed a cooperation agreement aimed at deepening the study of this phenomenon and developing a series of actions, including a collection and analysis of situations, in order to increase the knowledge, visibility and justiciability of human rights violations against students in Latin America and the Caribbean.

This document is part of this joint effort. It aims to contribute to identifying how the criminalisation and violation of students’ human rights in Latin America and the Caribbean is manifested, initially through the eyes and ears of student actors (university and secondary school), human rights defenders, in four countries of the region: Colombia, Chile, Honduras and Nicaragua. In addition to learning more about the various expressions and dimensions of this phenomenon, the Report offers as a contribution an analytical matrix that can be used to document cases and identify abuses. Its online version will also allow students to expand the information from cases they have experienced or known, so that knowledge about the regional situation can be further expanded. The cases identified will also be documented through the global initiative Students’ Rights’ Monitor1 developed by SAIH, which seeks to support students in their efforts to achieve quality higher education, academic freedom and protection of their human rights.

Based on the initial analysis of recent cases in the aforementioned countries, listening to the students themselves as well as to organizations and social actors who are closely monitoring the situation, the document offers a series of recommendations and a call for urgent action from States to overcome all forms of violation of students’ human rights and to set up spaces that effectively promote dialogue and non-violent conflict resolution.

Considering that students in our region have been suffering a growing criminalization in contexts of social protests and claim of their rights, it is urgent to advance in the acknowledge and visibility of this phenomenon, and to pursue adequate actions to protect and guarantee their rights.

1 https://studentsrightsonitor.org/en/
INTRODUCTION

The issue of the situation of human rights defenders has been a serious concern at the regional level, even more so in view of the “growing sophistication of actions aimed at preventing, obstructing, or discouraging the work of defending and promoting human rights” (IACHR, 2015). Both the regional

2 In 2001, the Inter-American Commission on Human Rights (IACHR) implemented a specific Thematic Unit, which was established in 2011 as the Rapporteurship on the situation of human rights defenders. The concern for the issue has determined a deepening of the study of the phenomenon and the definition of various actions in the field of its competence. In recent years, this has been particularly evident: the holding of consultations with States and civil society, the publication of two hemispheric reports on the regional situation of human rights defenders, the publication of a report on the criminalisation of human rights defenders, the holding of public hearings (ex officio) on the “Misuse of criminal law to criminalise human rights defenders”, as well as the admission of requests for hearings submitted by various civil society organisations that have been monitoring and denouncing

3 In particular the United Nations High Commissioner for Human Rights (OHCHR).

these situations of criminalisation of human rights defenders and social protest. At: https://www.oas.org/es/cidh/defensores/
Criminalisation and Violation of Students' Human Rights in Latin America and the Caribbean

In recent years our region has been marked by some very serious events, which have demanded the intervention of international human rights mechanisms. It can be mentioned the case of the disappearance of 43 students from Escuela Normal Rural “Raúl Isidro Burgos” in September 2014 in Mexico (Ayotzinapa case), which is still unresolved; the murder of Berta Cáceres, well-known indigenous leader and defender of human and environmental rights, in March 2016 in Honduras; the assassination of Marielle Franco, councillor and well-known human rights defender, in March 2018 in Brazil; the increase in acts of violence against defenders and social leaders involved in the defence and implementation of the Final Peace Agreement in Colombia, the continuous attacks on human rights defenders of LGBTI people (Lesbian, Gay, Bisexual, Transgender and Intersex) in several countries in the region, among many others.

Those situations that particularly involve the defence of the human right to education, with the exception of specific cases, have not been so visible, despite the fact that it is a phenomenon of growing importance and dimensions, hence the efforts of CLADE in this regard. Just to mention some data in relation to the countries studied:

- In Chile, more than 11,000 students were expelled in 2011 for mobilising in defence of public education;
- In Colombia, in 2005 a university student was killed by members of the Police Mobile Anti-Riot Squad (ESMAD) during a university demonstration and in November 2019 another student died as a result of the excessive use of force by ESMAD;
- In Honduras, according to data from the National Observatory of Violence, from January 2010 to May 2018, 1,522 students from all levels of education have been killed in the context of protests, strikes, and violence by armed groups;
- In Nicaragua the deep crisis and repression of protest, particularly since April 2018, reached many students, particularly university students, who were subjected to processes of selective criminalisation of the student movement in general, with cases of illegal detentions, kidnappings, physical aggression, torture, cruel, inhuman and degrading treatment.

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9 https://www.oas.org/es/cidh/decisiones/2016/COAD1108-08ES.pdf
10 As part of the “cacerolazo” citizen mobilization that took place on November 23, 2019 in the city of Bogotá, young Dylan Cruz was hit in the head by one of the devices and died on November 25: http://www.oas.org/es/cidh/prensa/comunicados/2019/313.asp
Our Standpoint

This Report adopts as its standpoint the concept of criminalisation affirmed by IACHR: those processes in which “unjust or unfounded prosecutions are carried out against persons who legitimately demand respect for and protection of human rights”, more precisely “the initiation and subjection to criminal investigations or unfounded legal proceedings with the aim of intimidating the work of human rights defenders and causing them an interruption in their work, when their time, resources and energy should be devoted to their own defence”\(^{11}\). Based on the constant complaints and clear evidence provided, this organization also stated that there is a systematic misuse of criminal law, which affects integrity, and work in defence and promotion of human rights. In this sense, it defines this practice as the manipulation of the punitive power of the State by both State and non-State actors, in order to obstruct their defence work, thus preventing the legitimate exercise of their right to defend rights\(^{12}\).


\(^{12}\) IACHR has recognized that this can occur “through the presentation of unfounded denunciations or based on criminal types that do not conform to the principle of legality, or on criminal types that do not comply with Inter-American standards, taking into account the conduct that they punish. It can also occur through the subjection to prolonged criminal proceedings and through the application of precautionary measures for non-prosecutorial purposes. The manipulation of criminal law to the detriment of human rights defenders has become an obstacle that merits priority attention by States, since it has the effect of intimidating the work of defending and protecting human rights, and paralysing the work of human rights defenders, since their time, resources (financial and others) and energy must be devoted to their own defense. Report of the Inter-American Commission on Human Rights on the Criminalization of the Work of Human Rights Defenders (2015): [http://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf](http://www.oas.org/es/cidh/informes/pdfs/criminalizacion2016.pdf)
These processes have also been considered as the implementation by the State of legal frameworks, strategies and political-judicial actions with the intention of treating the exercise of certain civil rights as illegitimate and illegal\textsuperscript{13}, to the defence, promotion and protection of human rights, with the ultimate aim of attacking people who play the role of human rights defenders or hindering the work they carry out\textsuperscript{14}.

\textsuperscript{13} Echeverría, J. (2012). ‘Criminalización de la protesta social’.
\textsuperscript{14} Echeverría, J. (2012). ‘Criminalisation of social protest’.

It is from these characterizations of criminalization in the field of human rights that CLADE approaches the issue, also bearing in mind the multiplicity of other strategies and actions that are often part of the process and contribute to the construction of a context in which it is possible. Thus, for example, actions of intimidation, harassment, disqualification, stigmatization, defamation, delegitimization, which as we will see in the case of repression to the student movement will be central.
REPORT OBJECTIVES

Based on this context and conceptual framework, and having the defence of the human right to education as its central axis, CLADE intends to specifically shed light on the situation of students and the multiple violations they suffer in the context of peaceful protests, particularly considering the progressive increase of mobilizations in defence of public education, which mostly get a state response that involves repression mechanisms, abusive use of force, criminal prosecution and criminalization.

In recent years, CLADE has undertaken several strategies to deepen the understanding, characterization, visibility and denouncement of this phenomenon. Among them, process monitoring, dialogue and mediation facilitation, elaboration of a dossier on the issue, exchange and articulation of strategies with human rights protection agencies and Thematic Rapporteurs of the Inter-American and Universal Systems, public statements, interventions in front of different governmental and human rights instances, accompaniment of students, articulation of strategies with civil society organizations in the field of the right to education and the defence of human rights.

This report corresponds to a new stage, which aims to better understand the scenario in Colombia, Chile, Honduras and Nicaragua, countries with recent cases with global impact, and from there to reflect on the situation in Latin America and the Caribbean, giving recommendations. In addition to examining how the criminalisation and violation of students' human rights is manifested in Latin America and the Caribbean, the document offers as a contribution an analytical matrix that can be used to inform cases and identify abuses, as we will discuss later.

Brief description of the phenomenon: specificities of the criminalisation of actors of the educational community

In general terms, the protests are part of processes of opposition to a certain political, economic and social context, with very high levels of inequality and the imposition of neo-liberal logic.

From different spaces of intervention, articulation and consultation that have been carried out by CLADE, as well as from accompanying student groups and movements, it is clear that the demands regarding education are wide and varied. Among them, these stand out: the defence of free, quality public education, more resources for public education, recognition of diversity and overcoming the multiple forms of discrimination and violence present in educational systems, better conditions of access to school and infrastructure, rejection of privatization and the imposition of standardized tests, and the guarantee of the right of students to participate in the debate and definition of educational policies.

Note that the demands go beyond the sphere of the right to education, focusing in turn on the priority of building a different, democratic,

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15 Fully established in the international human rights legal framework as "an intrinsic human right and an indispensable means for the realization of other human rights" as well as in the national frameworks of all countries in the region, and therefore enforceable and justiciable.


17 For instance, the Regional Seminars on Secondary Education in Latin America and the Caribbean organized by CLADE with the support of UNICEF Regional Office for Latin America and the Caribbean (held in Colombia in 2013 and in Costa Rica in 2014) and the Conversation with Secondary School Students “The Implementation of Agenda 2030 in Latin America and the Caribbean”, held in Mexico City on November 10, 2016.

18 Through consultation with the national coalitions that advocate for the right to education and form its CLADE network, as well as the monitoring of materials produced and publicly disseminated by student organizations and groups.
sustainable and peaceful community and planet, based on notions of citizenship and active sustainability, respect, collaboration, empathy and solidarity among all.

Beyond the right to education, it has been noted that there are a number of restrictions, on freedom of expression, opinion, assembly and association, movement, as well as the right to social protest. But because of the particular implications for the exercise of the right to education, the right to participation deserves special emphasis.

Beyond the clear abuses perpetrated by public agents, this Report identified a series of dynamics that contribute to the criminalisation of students in order to legitimise the multiple violations they experience, especially in the context of the struggle for their rights. As an introduction, it highlights the participation of other actors, such as political parties, religious, anti-rights and conservative civil society groups, as well as private and business sector actors, who are focusing on educational issues and promoting a negative and stereotypical view of those who defend the right to public education.

Another central axis of this document is the treatment given to peaceful protests and their subjects by the mass media. The way the students are represented contributes strongly to the formation of criminalized images and public opinion about those students involved in protests.

Situations of criminalisation and harassment of students generate a series of impacts of varying magnitude and severity, either directly or indirectly. In many cases, these are also affecting their personal, family or social environment, having in turn collective implications by affecting the issues and people they represent. Thus, for example, the risk to their lives and personal integrity, effects on physical, psychological, and moral integrity, on educational curricula, effects on legal matters (arrests, investigations, trials, and convictions), on the economy, and on facing situations of exile, among others.

In this scenario of social protest and criminalisation of actors in the educational community and defenders of the right to education, some national, regional and international human rights instances have played a fundamental role. Thus, many of these situations have involved the intervention or involvement of national mechanisms for the protection of human rights (Ombudsman Institutions and Ombudsmen), instances of the Inter-American System of Human Rights - ISHR (such as the Inter-American Commission on Human Rights and its Thematic Rapporteurships), or the Universal System for the Protection of Human Rights - UDHR (such as the Office of the United Nations High Commissioner for Human Rights, Special Rapporteurships, or other organisms or agencies of the UN System) as well as civil society organizations that work in the field of the defence of rights, such as CLADE.


20 Provided for in various international human rights instruments; specific provisions are included in almost all education laws in the region. Also, in the Education Agenda 2030, Framework for Action on Education 2030, among others.

21 These interventions have been carried out from various dimensions and different approaches (according to their competences and/or mandates): direct interventions, presentation and follow-up of complaints, observation and monitoring of situations, support in dialogue and mediation processes, pronouncements, press releases, the admission of various thematic hearings on the subject, situation reports, recommendations, precautionary measures, as well as in some cases support to students who have had to leave their country.
METODOLOGÍA

In order to carry out the analysis process, work was done on an analytical matrix that would allow the identification of the multiple forms of violence perpetrated against students in the context of the struggle for their educational rights, to have an updated view of the situation and to better understand the scenario in the four countries. This matrix was based on three variables: a) actors who promote criminalisation actions b) types of criminalisation actions and finally c) victims of criminalisation actions.

The interviews and interchanges with members of the respective National Education Forums, members of CLADE in the countries analysed, key actors, victims and witnesses of criminalization processes, human rights defenders in education, provided fundamental information for the preparation of this report.

Four central questions were asked for the collection of information: Who criminalizes students, what do they do, against whom do they do it? (type of students) and How do they do it?

The look at the four selected countries, Chile, Colombia, Honduras and Nicaragua, was based on the application of the matrix, the exploration of context data and highlighting a prominent case.

In order to gain a deeper understanding of each countries’ situation, it was done an approximation to the treatment given by the media to recent emblematic cases. The idea was to observe the extent to which mass media contributed to forming stereotypes, a phenomenon closely related to the processes of criminalisation of students and student movements.
Complete information, highlights and specifics of each country can be found at: ENLACE AL INFORME COMPLETO.

**Identified trends and key findings**

After looking at each of the countries and based on the matrix initially developed, it was possible to find some common lines, with greater or lesser emphasis on each context. This points to important elements to take into account when thinking about the situation at a Latin American and Caribbean level. The search for answers to the question of the actors involved in the processes that end up criminalizing students, particularly those linked to organized student movements, ended up reaffirming, as a whole, a multiplicity of actors that interact, with a relevant participation of the State, with peculiarities in each context.

Identified in the actions of the **Executive Power**, in particular the Presidency and various ministries, it is identified:

- Creating control and security organisms with specific attributions and faculties oriented to repression.
- Proposing bills that hinder or inhibit social protests.
- Generating and consolidating narratives that encourage criminalization.
- Increasing the budget for the police and greater powers to break up and suppress protests.
- Increasing militarization (mainly the presence of the army) in schools and universities (violating the university autonomy).

Ortega police repress protesters in Managua during the national sit-in protest on March 30, 2019 - La Prensa. Photo: Oscar Navarrete
Protests are framed as opposition to a certain political, economic and social context, with very high levels of inequality and the imposition of neoliberal logics such as: educational privatization, socio-educational segregation by students, standardization through tests.

Reported in the Parliaments:

- Approving new laws that make it difficult to hold demonstrations and social protests, or imposing prior notification requirements or others.

- Modifying existing norms in the sense of attributing a criminal or administrative reproach to conduct related to social protest (such as obstructing public roads, affecting circulation or traffic, using hoods, occupying or taking over educational centres, or any other conduct characteristic of a social protest).

- Modifying the penal code to configure typical protest actions as crimes. In Honduras and Nicaragua, it is done under the figure of terrorism and in Chile and Colombia as vandalism.

The role of the Courts of Justice and Prosecutors’ Offices is also noted with concern, forming a wide range of measures and actions that also show the misuse of criminal law:

- Undue legal and judicial processes or without the fundamental guarantees, resulting with conviction and prison sentence in some.

- Opening proceedings against students under different criminal figures without foundation and without the relevant evidence or under false evidence.

- Violation of the presumption of innocence and the right to defence.

- False charges or accusations to mobilized students.

- Obstacles to advocacy for access to justice and adequate reparation for affected student rights.

- Impunity of actors responsible for human rights violations of students, not carrying out the processes of investigation, prosecution and punishment with due diligence, and / or reaching resolutions of acquittal.

Police abuses were noted:

- Excessive use of force and failure to respect international standards protocols on the use of weapons and other elements of containment.

- Use of tear gas, pepper spray or taser weapons.

- Illegal detention, physical and psychological aggression.

- Delation to intelligence organs.

- Planting evidence or use of false evidence.

- Evictions from educational facilities.
• Harassment and threats.
• Persecution and Imprisonment of Students.
• Infiltrations and setups.
• Installation of security cameras around schools.
• Selective identity controls and check of backpacks in places close to the accesses of educational facilities and marches.
• Erroneous classification of faults and unlawful constraints.
• Murders.

Still at the state level, the role of Public University Authorities and School Principals was likewise extremely relevant, pointing also to serious violations of academic freedoms and autonomy.

• Submission of complaints and denouncements.
• Application of sanctions, suspension and expulsion.
• Restriction of food and academic scholarships.
• Limitations on the right of admission to public universities.
• Prohibition of meetings in universities (Nicaragua).
• Attacks on academic freedom, banning jobs that enact against the government.
• Student property requisitions.
• Presence of military and/or police forces in the school/university environment and increase of private security.

Extreme violence and cases of killings — attributed, in some cases, to paramilitary groups and death squads — have also been noted with concern:

• Killings during demonstrations or after taking part in protests.
• Kidnapping and torture.
• Harassment, stalking, siege and threats.
• Identification of homes and relatives.
• Public dissemination of photographs and personal data.

It is important to note that a look at the national contexts showed that the actions are accompanied by practices and narratives that support the formation of their legitimacy by public opinion. It is common for governments to refer to two types of students: the “model” student, who “has demands, but claims them through institutional channels”, and the student who “does not follow the rules”, who is “dangerous to the system”. The citizens themselves often appropriate this concept and reproduce hostile actions and even physical aggressions against demonstrators, as reported in Chile, where there were also actions of persecution and denouncement by mothers, fathers and tutors.

From the entrepreneur sectors, practices that reinforce the negative vision of students who participate in protests were reported; jobs or benefits are offered to “model students”, who do not participate in the protests and protect private property. Because the country’s image is affected, it is a concern for this sector to maintain a stable economy. From this comes pressure on the government to “maintain order”.
Nevertheless, the important role played by some media, journalists, and communicators in the coverage and monitoring of demonstrations and protests to gather and inform citizens about student demands, on one hand, strongly contributes to the negative construction in the public imagination of these same student rights defenders.

In the case of the mass media, this was observed in Chile, Colombia and Honduras:

- Negative narrative about student protesters, reinforcing the stereotype of a dangerous person. In the case of Nicaragua, Colombia and to a lesser extent Honduras, there is a greater emphasis on students from public universities. In the case of Chile, this emphasis is on the secondary movement.
- Absence of student sources as opposed to official government sources.
- Emphasis on the inconvenience caused by the protests and not on the causes of the claims and/or the consequences of criminalization.

In these cases, a counterpoint made by the alternative or community media analysed was fundamental, which had as its main characteristic a more attentive listening to student demands, allowing the understanding of the phenomenon in the political, social and
economic context; also including information on the nature and origin of the actors of the social and political scenario.

The case of Nicaragua has specificities in relation to the coverage of student protests. There the differences were not so much between the mass and community media, but rather between the official and unofficial media, reflecting the serious polarization in which the country finds itself. The pro-government media disqualified young demonstrators, whom they called “terrorists, coup plotters, allies of the right and of imperialism”.

With regard to the people on whom criminalization falls (victims), in the forefront are organized students with critical views of the political, economic and social context, and who reject current public policies and the governments that impose them, as well as undemocratic administration of the educational sphere.

In particular, criminalization reaches student movements in the area of public higher education (university) or secondary education in the case of Chile, which rejects and resists the destruction of the sense of public education.

Likewise, other young actors are identified: those who are also framed in environmental and natural resource protection demands, in alliance with indigenous populations, as well as those who represent gender diversity, or who demand an end to feminicide. We would like to highlight the existence of situations of differentiated criminalization, such as the case of poor students from urban areas, or those belonging to rural, indigenous, or Afro-descendant communities.

As victims of these processes there are also other people from the educational, family or relational environment of the students, witnesses, as well as references from the communication or press environment that cover the demonstrations to denounce violations.
Situations of criminalization and harassment of students generate a series of impacts of varying magnitude and severity, either directly or indirectly, besides affecting their personal, family, or social environment in many cases.

CONSEQUENCES

The research showed that criminalization processes not only reveal specific forms of social control, but also generate serious consequences and impacts, affecting students as direct victims on one hand, and on the other, in a related way, the entire educational community and society as a whole.

With special emphasis, those that affect the students are pointed out below:

- Severe restrictions on their right to be educated in secondary and higher education institutions, preventing or creating obstacles to the reincorporation of students, in some cases, as noted above, have even been permanent.

- Being subjected to irregular procedures and prosecutions or without respecting the principle of legality or the indispensable judicial guarantees.

- Uses of physical violence, leading in some cases to torture, sexual abuse, and even death.

- Affecting the rights of: dignity, honour and good name, undermining the public image of those students who have decided to demonstrate against government actions.

- Subsequent difficulties in integrating into the working world.

- Impacts on the health and physical, psychological and emotional integrity (effects on their private and family life).

- Risks associated with having to organize or articulate clandestinely to avoid persecution.

- Being affected economically, when having to face the cost of legal advice, presentation of appeals, defence processes, change of address, even situations of exile.

The findings indicate impacts at social and collective levels, on the community as a whole, by implying restrictions on public debate, plurality of opinions in a society, deepening polarization, weakening the links of solidarity, weakening the socio-cultural structure, impacts on social inequalities by inhibiting processes of promotion and defence of human rights, installation of a paradigm contrary to the peaceful resolution of conflicts and imposition of the prevalence of security and public order issues over any human rights.

The above-mentioned, which arises from the research carried out in the four countries, clearly implies a violation of the human rights of the students, as well as the disrespect of a set of fundamental rights and freedoms.

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RECOMMENDATIONS

On the basis of the information and analysis carried out, recalling that peaceful protest and denunciation activities are legitimate because they must be protected, and that human rights defenders constitute essential pillars for the strengthening and consolidation of democracy and the rule of law, due to the work they carry out for full compliance with fundamental rights (IACHR, 2019), highlighting the specificity that the phenomenon of criminalization in the educational sphere involves, the following recommendations are made.

FOR ALL ENVIRONMENTS

• Importance of deepening the analysis of the context, visibility, understanding, reporting and systematization of situations of criminalization, from a human rights and gender perspective, pointing towards adopting measures that contribute to overcome them from all spheres of society and various levels: community, municipal, regional, national and international.

• Coordinate efforts and measures from all spheres of society to advance to a greater recognition and consolidation of the right to social protest as a fundamental human right and as a mechanism of defence and advocacy for the right to education, with the role of students as human rights defenders and essential for the strengthening of a democratic society and the rule of law.

• According to the above, address the importance of the full exercise of the right to participation. In this framework, strengthen higher levels of student participation in the debate and decision-making processes on public policies as a substantial element for consolidating the right to education and the plurality of the debate on issues of public interest.

• Carry out campaigns to combat the construction and expression of hate narratives or stigmatizing statements, which in many cases accompany the processes of criminalization and contribute to increase the risk and generate higher levels of intolerance, discrimination, hostility, repudiation and/or violence against students and other actors in the educational community who defend human rights. In the same sense, and in order to strengthen a human rights approach, implement educational, training, awareness-raising and dissemination activities aimed at representatives of all spheres of government, civil society and the media.

INTERNATIONAL HUMAN RIGHTS AND EDUCATION ORGANISMS

• It is essential that the international movement acting for the right to education, in conjunction and coordination with human rights protection systems, States, international cooperation and civil society organizations, be given the importance of this phenomenon and make progress in a specific approach, diagnosis and adoption of appropriate responses in defence of students.

• For human rights organizations acting in defence of human rights defenders, we recommend that they carry out a greater follow-up and visibility of the particularities in the case of the struggle for the human right to education, formulating relevant recommendations and above all making visible the guarantees of students.
FOR THE STATE LEVEL: LEGISLATIVE, EXECUTIVE, ADMINISTRATIVE, JUDICIAL

- In general terms, give relevance and application at the national level to the contents and recommendations formulated in the latest IACHR reports on the subject, in particular the most recently published one: Protest and Human Rights. Standards on the rights involved in social protest and the obligations that should guide the state response.  

- Opening channels of direct dialogue with student movements and collectives, as well as implementing mechanisms for student participation in all spheres of educational public policy design and decision-making, from local to international.

- To undertake efforts for a public policy of recognition, prevention and comprehensive protection of people who defend the right to education, their right to social protest and other rights, recognize their fundamental role in defending this right that responds to differential approaches such as gender, ethnic and LGBTI.

- Refrain from adopting normative frameworks formulated in opposition to the standards of rights, which are criminally ambiguous or diffuse, that are oriented to limit the spaces of participation and protest and repeal the existing ones.

- Take appropriate measures to exclude the presence of armed forces agents or military police on educational facilities, as well as their participation in student protest contexts.

- To implement measures of prevention and protection of persons defending the right to education, particularly students, such as the development of protocols of action based on international instruments that refer to the subject and the development of measures that counteract the improper use of criminal law, as well as the fight against speeches and statements against students by representatives of the state.

- Fight against impunity and the manipulation of punitive and repressive power, investigating irregular, abusive and arbitrary actions by the police, as well as those activities of intelligence services and/or agents that are carried out illegally and illegitimately against students in protest contexts.

- Implement a specific system of registration and systematization of all cases involving criminalization and violations of student rights, with complete, accurate, disaggregated and accessible information.

- The judiciary, the Public Prosecutor’s Office, the public prosecutors’ offices and all those working in the field of justice must guarantee the full exercise of the right of access to justice, the correct application of legal frameworks, refraining from criminalizing legitimate activities, and ensuring that investigations and legal proceedings are carried out with full respect for due process.

FOR EDUCATIONAL COMMUNITIES

- To be fully aware of the relevance of the phenomenon and of its approach in the educational field in order to advance in mechanisms and strategies that contribute to the promotion and safeguarding of all the rights involved in the criminalization processes, such as: action and investigation protocols for situations that arise, prohibiting measures that affect the right to education or that entail retaliatory responses, overcoming

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conflicts through dialogue and mediation processes, avoiding as much as possible the entry of police or military forces into educational spaces, greater democratization of the educational space, non-stigmatization of students, among others.

• In order to deepen the subject, to implement the dissemination and treatment in the educational field of the investigations, reports and recommendations issued by the human rights organisms and which advance towards a definition of the criminalization processes and clarify the rights and guarantees that must be protected in this type of situations.

• Police and military forces are not allowed to enter educational spaces. This implies the constant search for dynamics of non-violent conflict resolution.

CIVIL SOCIETY ORGANIZATIONS

• Strengthen the capacities of civil society organizations, observatories, social and student movements, to identify and denounce in the national and international justice and human rights systems violations of student rights and abuses in the context of social protests, and in the struggle for the right to education in general. This also implies to advance in the design and implementation of tools (such as the creation of statistics and databases) that contribute to a better follow-up and monitoring of the phenomenon, strengthening adequate protection mechanisms and influencing public policies.

MASS MEDIA

• Expand the plurality of actors heard in the coverage of the protests and give visibility to the real demands of the mobilizing actors.

• Assume a role in line with the human rights and fundamental freedoms involved in the issue, refraining from promoting or instituting stigmatizing speeches, statements and narratives of students and student protest, as well as justifying to public opinion the behaviour of public security forces and the disproportionate use of force and criminalization.

• As noted above, we reaffirm the importance of greater articulation between social movements and alternative journalism to generate counter-narratives that highlight positive values in the work of defenders in promoting human rights and the crucial role they play in strengthening democracy and the rule of law.24

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