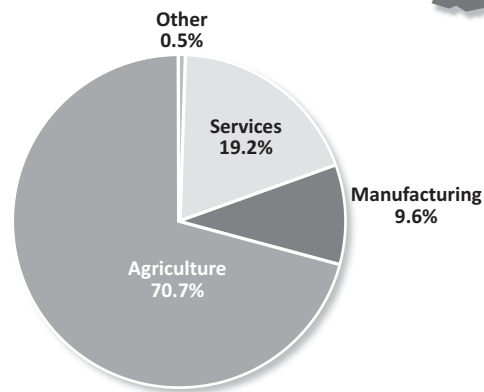


Nicaragua

The Government of Nicaragua has collaborated with the mining industry and coffee producers to reduce child labor and has strengthened its policy framework to address the worst forms of child labor in those sectors. However, hazardous child labor in agriculture and the commercial sexual exploitation of children continue to exist. Gaps exist in the enforcement of child labor laws and in programs that address exploitative child labor in some agricultural and informal sectors.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	8.4
Attending School	5-14 yrs.	84.9
Combining Work and School	7-14 yrs	7.0



Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Children in Nicaragua are engaged in the worst forms of child labor,⁴²⁶⁴ especially in agriculture and commercial sexual exploitation.⁴²⁶⁵ Children work producing crops such as coffee, bananas and tobacco. These children often carry heavy loads, use dangerous tools and are exposed to dangerous pesticides and fertilizers.⁴²⁶⁶ Children also work long hours under risk of physical injury in tasks such as breeding livestock, crushing stone, extracting pumice, mining for gold and collecting mollusks and shellfish.⁴²⁶⁷ In addition, children work as street vendors, which may expose them to multiple dangers, including severe weather, vehicle accidents and criminal elements.⁴²⁶⁸ Children also work as domestic servants in third-party homes, where they face long hours and are often subjected to abuse. Some children engage in construction, which may require them to carry heavy loads and use dangerous tools.⁴²⁶⁹ Children may also

work in the transportation sector, isolated from their families and often riding precariously on the exterior of vehicles or entering and exiting moving vehicles.⁴²⁷⁰ A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.⁴²⁷¹ Children reportedly are working in the production of oranges, African palm, sugarcane, fireworks, cigars and bread.⁴²⁷² Although there were no new cases in 2010, child pornography has been reported as a problem in Nicaragua.⁴²⁷³

Children are also exploited in prostitution.⁴²⁷⁴ Nicaragua is a source and transit country for minors trafficked for sexual exploitation.⁴²⁷⁵ Some children are trafficked within Nicaragua for sex tourism, which is reportedly on the rise, and to work as domestic servants.⁴²⁷⁶ Persons without legal identification documents are at an increased risk of trafficking, and UNICEF has indicated that more than one-third of Nicaraguan children have not been formally registered with






the Government.⁴²⁷⁷ Nicaraguan children are recruited to work without pay on farms in Costa Rica.⁴²⁷⁸ Children from poor rural areas, especially girls, are among the most vulnerable to trafficking. The victims are often deceived with promises of good jobs and then forced to work as prostitutes in urban areas or neighboring countries.⁴²⁷⁹ The Government reports that trafficking is a significant problem and that trafficking victims and brothel owners are linked to organized crime.⁴²⁸⁰ The Government believes that the lack of economic opportunities, increased regional trade, semi-porous borders and the development of communications technology have been factors contributing to the recruitment of children and youth into commercial sexual exploitation and trafficking.⁴²⁸¹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at age 14.⁴²⁸² Children ages 14 to 16 must have parental permission and be under the supervision of the Ministry of Labor (MOL) in order to work.⁴²⁸³ Minors are prohibited from engaging in work that may interfere with their schooling or that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.⁴²⁸⁴ The law imposes fines for violators and allows inspectors to close establishments employing children.⁴²⁸⁵ The Labor Code requires employers of adolescent domestic workers under age 18 to facilitate and promote their education.⁴²⁸⁶

In June 2010, in consultation with civil society organizations and employers' and workers' groups, the MOL published an updated list of types of work that are harmful to the health, safety and morals of children, applicable to both the informal and formal sectors.⁴²⁸⁷ In October 2010, the MOL issued regulations specific to the 2010-2011 coffee harvest prohibiting children under age 14 from working, protecting adolescents of legal working age and ensuring minimum wages.⁴²⁸⁸

The Constitution prohibits forced labor, slavery, and indentured servitude.⁴²⁸⁹ The Constitution was amended in 1995 to prohibit compulsory military service. The minimum legal age for entry into the armed forces is 18.⁴²⁹⁰

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

The Penal Code establishes penalties related to the commercial sexual exploitation of children, including for the procurement or recruitment of children under age 18 for prostitution.⁴²⁹¹ Promoting, filming or selling child pornography is prohibited.⁴²⁹² The Penal Code also prohibits trafficking of persons and imposes increased penalties for trafficking of individuals under age 18.⁴²⁹³

The Constitution requires compulsory education through primary school, which is about age 15.⁴²⁹⁴ However, children in Nicaragua can begin work at the age of 14, increasing their risk of involvement in exploitative labor. The Constitution establishes the right to free primary education, but associated school costs prohibit some children from attending school.⁴²⁹⁵

Institutional Mechanisms for Coordination and Enforcement

The MOL's National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI) has been the primary institution that sets the priorities on child labor policy.⁴²⁹⁶ CNEPTI consists of a consortium of government agencies and NGOs that address child labor issues in the country through awareness-raising strategies and coordination of direct action programs.⁴²⁹⁷ However, CNEPTI has not officially convened since September 2009.⁴²⁹⁸

The MOL is responsible for enforcing labor laws.⁴²⁹⁹ The MOL's Inspector General's Office is responsible for inspecting all child labor violations.⁴³⁰⁰ The Child Labor Inspections Unit conducts training on child labor. It also regulates and integrates child labor issues into labor inspections and works with the Nicaraguan National Police (NNP), Ministry of Family and the Human Rights Attorney for Children to enforce child labor laws.⁴³⁰¹

CNEPTI uses its revenues from fines to raise awareness and protect minors.⁴³⁰² The Ministry of Family administers a general hotline to report the welfare of children, including the exploitation of children.⁴³⁰³ In 2010, the hotline fielded approximately 6,000 calls, 31 of which dealt with human trafficking or commercial sexual exploitation.⁴³⁰⁴ In 2010, the MOL had 87 total inspectors; three were dedicated to conducting child labor investigations.⁴³⁰⁵ Nonetheless, Government officials and child labor experts have reported that child labor inspections in agricultural areas are limited due to resource and personnel constraints.⁴³⁰⁶ From January through April 2010, 205 child labor inspections were conducted; in 2010, 406 child labor infractions by employers were identified.⁴³⁰⁷ The MOL reported that it removed 64 children from hazardous work in 2010.⁴³⁰⁸ However, no information is available

on the number of prosecutions or convictions for child labor cases.⁴³⁰⁹

The Ministry of Government is responsible for combating trafficking, operating an anti-trafficking unit, leading the National Coalition against Trafficking in Persons (NCATIP) and supporting a national protocol to repatriate children and adolescents who have been victims of trafficking.⁴³¹⁰ Nonetheless, a 2009 evaluation of a USDOL-funded project found that institutional weaknesses in some of the agencies that participate in the NCATIP could hinder the effectiveness of the protocol.⁴³¹¹ The Public Ministry's Gender Unit has two national-level prosecutors and 35 department-level prosecutors who handle cases of child exploitation, including child trafficking, commercial sexual exploitation and the use of children in illegal activities.⁴³¹²

The NNP maintains a national hotline for reporting child trafficking.⁴³¹² In 2010, the Government convicted three individuals for trafficking of minors.⁴³¹⁴ The Government provides limited shelter and services to child trafficking victims; international organizations and NGOs are the principal service providers assisting trafficking victims.⁴³¹⁵

Government Policies on the Worst Forms of Child Labor

The Government's National Time-Bound Program, developed to create a coordinated policy for the elimination of the worst forms of child labor, is led by CNEPTI.⁴³¹⁶ In December 2010, the Government officially launched the Roadmap for the Elimination of the Worst Forms of Child Labor by 2015, which had been developed by multiple ministries, employer groups, unions and other civil society organizations, with assistance from the ILO and IDB.⁴³¹⁷ However, an action plan to implement the Roadmap has not yet been issued.⁴³¹⁸ The MOL has collaboration agreements with the Chamber of Mines and the Mining

Union, and with coffee plantations to prevent and eliminate the worst forms of child labor.⁴³¹⁹ In recognition of World Day Against Child Labor, in June 2010 coffee producers re-affirmed their commitment to support educational opportunities for children of coffee workers and to share good practices with other producers.⁴³²⁰

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.⁴³²¹ As a member of the Central American Parliament Commission on Women, Children, Youth and Family, the Government is participating in a regional Plan to Support the Prevention and Elimination of Human Trafficking and Commercial Sexual Exploitation of Children and Adolescents.⁴³²²

The Government oversees the implementation of the 10-year National Action Plan for Children and Adolescents, which supports children's rights.⁴³²³ The National Program for Decent Work in Nicaragua (2008–2011) supports efforts to eliminate the worst forms of child labor by 2015 and includes specific provisions for assistance to CNEPTI and the National Commission against Commercial Sexual Exploitation.⁴³²⁴ Additionally, the Government of Nicaragua's poverty reduction strategy incorporates policy actions to eradicate child labor.⁴³²⁵ Nevertheless, the Government has not fully developed concrete steps for the implementation of the above plans and programs to achieve its objectives against child labor.

The Government is striving to achieve its Millennium Development and Education for All goals by 2015. With support from the World Bank and USAID, the Government has implemented poverty reduction strategies that have contributed to improved educational access, attendance and quality in primary schools.⁴³²⁶ Secondary schools have not been targeted as a priority, and secondary school attendance remains

low— increasing the risk of children's engagement in exploitative work.⁴³²⁷

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

CNEPTI has been making efforts to raise awareness about the negative effects of exploitative child labor, supporting national child labor surveys, involving children and adolescents in cultural and rights-based programs and coordinating direct action programs in various sectors in which the worst forms of child labor occur.⁴³²⁸ The Coffee Harvest Plan (*Plan Cosecha de Café*), supported by CNEPTI, aims to develop a comprehensive approach to assist children whose parents work in the coffee harvest and improve educational opportunities for children on the coffee plantations.⁴³²⁹ The MOL has been collaborating with coffee producers, other government ministries, and civil society organizations to achieve a child-labor free coffee harvest in the Department of Jinotega. The Ministry has identified the need to extend these strategies to reach more children who work in other agricultural sectors.⁴³³⁰

The Government of Nicaragua is participating in a USDOL-funded 3-year, \$5 million initiative primarily in the coffee-growing Departments of Madriz and Jinotega that seeks to withdraw and prevent 10,045 children from exploitative labor and provide them with education and training opportunities.⁴³³¹ The project has raised awareness among parents and business owners about the hazards of child labor and generated commitments among coffee plantation owners to construct new schools on coffee plantations, provide school materials and eliminate child labor.⁴³³²

First Lady Rosario Murillo, in coordination with the Ministries of Government, Family, Health, Education and Labor, oversees a child labor initiative called Program Love (Programa Amor) that targets 25,000 street children and their

families primarily in Managua and aims to provide education for children and vocational training for parents.⁴³³³ However, there are varied reports about the program's effectiveness.⁴³³⁴ The Ministry of Education and Sport implements a national literacy and education campaign for children and young persons excluded from the educational system.⁴³³⁵

With assistance from the United Nations Population Fund, the Government conducts a

birth registration campaign that targets rural areas and indigenous communities along the Atlantic Coast. The campaign facilitates access by undocumented children to social services and helps reduce their vulnerability to trafficking.⁴³³⁶

Despite these efforts, current programs do not appear to be sufficient to address the extent of the worst forms of child labor in Nicaragua, particularly in the production of tobacco, crushed stone and pumice.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Nicaragua:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate more human and financial resources to the enforcement of child labor laws, including in the informal sector.
- Enforce the labor laws regarding domestic workers and raise awareness about employers' obligation to ensure the education of adolescent workers.
- Identify priority areas of child labor that CNEPTI should address and monitor progress by meeting on a regular basis.
- Enhance efforts to fight child trafficking by conducting awareness-raising campaigns; increasing resources to victims; expanding birth registration campaigns nationwide; and improving institutional capacity, coordination and information-sharing among actors involved in national, bilateral and regional anti-trafficking campaigns.

IN THE AREA OF POLICIES:

- Develop concrete action plans to promote the objective of eliminating the worst forms of child labor by 2015.
- Pursue implementation of the Roadmap for the Elimination of the Worst Forms of Child Labor in Nicaragua by 2015.

IN THE AREA OF PROGRAMS:

- Develop strategies and devote resources to improve attendance in secondary education.
- Expand awareness-raising and identify strategies to reduce the demand for child sex tourism and commercial sexual exploitation.
- Dedicate greater resources to expand services that assist child trafficking victims.
- Make publicly available information on Programa Amor and its results in order to inform future efforts.
- Develop programs to address the worst forms of child labor in the production of tobacco, crushed stone, pumice and other sectors with a high incidence of exploitative child labor.
- Apply good practices and strategies to eliminate child labor in the coffee sector to other sectors, including by raising awareness and partnering with business owners to eliminate child labor in their production processes.

⁴²⁶⁴ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2011. Data provided are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴²⁶⁶ Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños: Análisis de la explotación económica infantil y los trabajos peligrosos*, Ministry of Labor and Save the Children Norway, Managua, 2007, 19-25. See also Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*, Managua, 2008. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*, November 2007. See also Government of Nicaragua- Ministerio de Educación, Letter to USDOL official, March 4, 2008. See also ILO-IPEC, "Podrían ampliar lista de peores formas de trabajo infantil," *Boletín Encuentros* 3 (2006); available from <http://white.oit.org.pe/ipecc/alcencuentros/interior.php?notCodigo=1348>. See also U.S. Embassy- Managua, *reporting*, April 28, 2009.

⁴²⁶⁷ Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños*, 16-18, 26-27. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also Government of Nicaragua- Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*, Managua, 2008, 8. See also U.S. Embassy - Managua, *reporting*, February 2, 2010. See also U.S. Embassy- Managua, *reporting*, April 28, 2009.

⁴²⁶⁸ Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S.

Embassy- Managua, *reporting*, February 10, 2011, section 7d, U.S. Department of State, "Country Reports- 2010: Nicaragua," section 7d.

⁴²⁶⁹ ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*.

⁴²⁷⁰ Ibid. See also Government of Nicaragua - Ministerio del Trabajo, *Acuerdo Ministerial núm. JCHG-08-06-10 sobre prohibición de trabajos peligrosos para personas adolescentes y listado de trabajos peligrosos*, June 23, 2010, article 6 section F.

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⁴²⁷² Government of Nicaragua - Ministerio del Trabajo (CNEPTI), *Son incontables sus riesgos y daños*. See also Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*. See also U.S. Embassy - Managua, *reporting*, February 2, 2010. See also U.S. Embassy- Managua, *reporting*, April 28, 2009. See also ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 6. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, [online] 2009 [cited May 23, 2011]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23545&chapter=9&query=%28Nicaragua%29+%40ref+%2B+%23YEAR%3E2008&highlight=&querytype=bool&context=0>. See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 7d.

⁴²⁷³ ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, submitted 2009. See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 6.

⁴²⁷⁴ U.S. Department of State, "Trafficking in Persons Report- 2010: Nicaragua." See also U.S. Department of State, "Country Reports- 2010: Nicaragua," section 5.

⁴²⁷⁵ U.S. Department of State, "Trafficking in Persons Report- 2010: Nicaragua." See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, submitted 2009.

⁴²⁷⁶ U.S. Department of State, "Trafficking in Persons Report- 2010: Nicaragua." See also U.S. Embassy - Managua, *reporting*, February 17, 2010.

⁴²⁷⁷ U.S. Department of State, "Country Reports- 2010: Nicaragua," section 2. See also U.S. Embassy- Managua, *reporting*, December 17, 2007.

⁴²⁷⁸ U.S. Department of State, “Trafficking in Persons Report- 2010: Nicaragua.”

⁴²⁷⁹ U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 6.

⁴²⁸⁰ U.S. Embassy- Managua, *reporting, February 13, 2009*. See also U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 6. See also Government of Nicaragua, *Protocolo de procedimientos para la repatriación de niños, niñas y adolescentes víctimas de trata de personas*, prepared by ILO-IPEC and IOM, August 27, 2007. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Nicaragua.”

⁴²⁸¹ U.S. Embassy- Managua, *reporting*, August 19, 2008.

⁴²⁸² Government of Nicaragua - Ministerio del Trabajo, “Código del Trabajo,” in *Trabajo en Ley: Compilación de normas laborales de la República de Nicaragua a septiembre del 2009*, Ministerio del Trabajo, 2009, article 131; available from http://www.construccion.com.ni/files/ley/1204139277_Codigo%20del%20Trabajo%20de%20Nicaragua.pdf. See also Government of Nicaragua, *Código de la Niñez y la Adolescencia*, Ley. No. 287, (May 1998), article 73; available from http://white.oit.org.pe/ipec/documentos/codigo_de_la_ninez_y_la_adolescencia._nicaragua.doc.

⁴²⁸³ U.S. Department of State, “Country Reports- 2010: Nicaragua.”

⁴²⁸⁴ Government of Nicaragua - Ministerio del Trabajo, “Código del Trabajo,” articles 132-134.

⁴²⁸⁵ U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 7. See also U.S. Embassy- Managua, *reporting, January 16, 2009*.

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⁴²⁸⁷ Government of Nicaragua - Ministerio del Trabajo, *Acuerdo Ministerial núm. JCHG-08-06-10 sobre prohibición de trabajos peligrosos para personas adolescentes y listado de trabajos peligrosos*. See also American Institutes for Research, *ENTERATE: Combating the Worst Forms of Child Labor through Education in Nicaragua*, Technical Progress Report, September 2010, 33. See also American Institutes for Research, *ENTERATE: Combating the Worst Forms of Child Labor through Education in Nicaragua*, Technical Progress Report, April 2011, 35.

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⁴²⁹² *Ibid.*, article 175.

⁴²⁹³ *Ibid.*, article 182.

⁴²⁹⁴ Government of Nicaragua, *Constitución Política de Nicaragua*, article 121.

⁴²⁹⁵ *Ibid.*, article 121, U.S. Embassy - Managua, *reporting, February 2, 2010*. See also ILO, *Programa de Trabajo Decente: Nicaragua (2008-2011)*, September 2008, 4; available from <http://portal.oit.or.cr/dmdocuments/PNTDNI.pdf>. See also ILO Committee of Experts, Observation concerning Minimum Age Convention, 1973 (No. 138) Nicaragua (ratification: 1981), published 2010.

⁴²⁹⁶ U.S. Embassy - Managua, *reporting, May 20, 2010*.

⁴²⁹⁷ U.S. Embassy- Managua, *reporting, December 14, 2007*. See also U.S. Embassy- Managua, *reporting, January 16, 2009*. See also U.S. Embassy - Managua, *reporting, May 20, 2010*.

⁴²⁹⁸ U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 7d. See also U.S. Embassy - Managua, E-mail communication to USDOL official, October 19, 2010. See also American Institutes for Research, *ENTERATE: Technical Progress Report, September 2010*, 2. See also American Institutes for Research, *ENTERATE: Technical Progress Report, April 2011*, 35.

⁴²⁹⁹ U.S. Embassy- Managua, *reporting, February 10, 2011*, U.S. Department of State, “Country Reports- 2010: Nicaragua,” section 7.

⁴³⁰⁰ U.S. Embassy - Managua, *reporting, May 20, 2010*.

⁴³⁰¹ Government of Nicaragua - Ministerio del Trabajo, *Acuerdo Ministerial núm. JCHG-008-05-07 sobre el cumplimiento de la ley 474*, articles 1-2. See also U.S. Embassy- Managua, *reporting, January 16, 2009*. See also U.S. Embassy - Managua, *reporting, May 20, 2010*.

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⁴³⁰⁴ Ibid.

⁴³⁰⁵ Ibid.

⁴³⁰⁶ U.S. Embassy- Managua official, E-mail communication to USDOL official, July 25, 2011. See also U.S. Embassy- Managua, reporting, February 10, 2011.

⁴³⁰⁷ U.S. Embassy- Managua, reporting, February 10, 2011.

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⁴³⁰⁹ U.S. Embassy - Managua, reporting, May 20, 2010.

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⁴³¹⁵ U.S. Department of State, “Trafficking in Persons Report- 2010: Nicaragua.”

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⁴³¹⁸ American Institutes for Research, *ENTERATE: Technical Progress Report*, April 2011, 35.

⁴³¹⁹ U.S. Embassy- Managua, reporting, January 16, 2009.

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⁴³²³ CODENI, *Nicaraguan Federation of NGOs Working with Children and Adolescents: Universal Periodic Review*, 2008; available from http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/NI/CODENI_UPR_NIC_S07_2010_JointSubmissionby53Organisations_E.pdf.

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