

In 2016, Nicaragua made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government passed the Good Government Plan, which aims to increase human trafficking investigations and protect children from commercial sexual exploitation, as well as increase access to education, particularly for children of indigenous and African descent. The Ministry of Education also continued to expand the National School Supply Program, which provided more than 700,000 packages of school supplies and 3.9 million textbooks to children in need. However, children in Nicaragua engage in the worst forms of child labor, including in street work and commercial sexual exploitation, sometimes as a result of human trafficking. National policies to eliminate child labor and protect children have not been fully implemented, and the Government lacks a specific and consistent mechanism to coordinate efforts to address child labor. In addition, the Government does not publish key labor and criminal law enforcement data on child labor, including its worst forms.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Nicaragua engage in the worst forms of child labor, including in street work and commercial sexual exploitation, sometimes as a result of human trafficking. (1-4) Table 1 provides key indicators on children's work and education in Nicaragua.

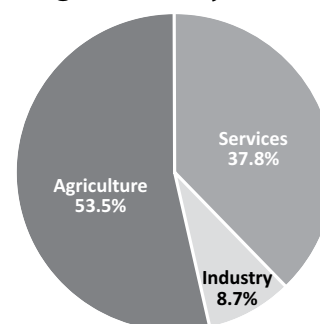
Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	10 to 14	47.7 (342,076)
Attending School (%)	10 to 14	88.3
Combining Work and School (%)	10 to 14	40.3
Primary Completion Rate (%)		85.4

Source for primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2016.(5)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta Continua de Hogares (ECH) Survey, 2012.(6)

Figure 1. Working Children by Sector, Ages 10-14



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Harvesting coffee, bananas, tobacco, [†] African palm, sugarcane, and oranges (1, 7-12)
	Raising cattle [†] and producing dairy products (10)
	Collecting shellfish [†] (7, 13)
Industry	Construction, [†] including transporting materials (13, 14)
	Quarrying [†] of pumice and limestone and mining [†] of gold (1, 7, 13, 15, 16)
	Production of gravel (crushed stones) [†] (10, 17, 18)

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Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Services	Domestic work (13, 19, 20)
	Work in transportation† and as couriers† (7, 13, 16, 19)
	Street work, including vending,† washing car windshields, and performing at stoplights† (1, 2, 4, 16, 19, 21-23)
	Garbage scavenging† (16, 19, 21, 24, 25)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking, and use in the production of pornography (3, 26, 27)
	Domestic work as a result of human trafficking (28, 29)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.







In Nicaragua, children are subjected to commercial sexual exploitation, particularly in Granada, Managua, the Caribbean Coast, and San Juan del Sur.(3, 26, 28, 30) Children in Nicaragua who lack identification documents, sometimes because of a lack of birth registration, may not have access to social services and are at an increased risk of human trafficking and commercial sexual exploitation.(13) An estimated 20 percent of children born in Nicaragua lack birth certificates.(31) Although the Government’s birth registration campaign is advancing, it does not reach all children, especially in remote areas.(32-35) In an effort to promote birth registrations, Nicaragua’s Family Code, which went into effect in 2015, provides for free birth registrations up to age 7.(36, 37)

Education is free and compulsory in Nicaragua. However, costs associated with school supplies and transportation make it difficult for some children, particularly those from poor backgrounds and rural areas, to attend school.(22, 38-40) Some sources indicate that secondary schools have not received adequate assistance and that secondary school attendance remains low, increasing the risk that older children engage in exploitative work.(1, 30, 40)

II. LEGAL FRAMEWORK FOR THE WORST FORMS OF CHILD LABOR

Nicaragua has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established laws and regulations related to child labor, including its worst forms (Table 4). However, gaps exist in Nicaragua’s legal framework to adequately protect children from child labor.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Article 131 of the Labor Code; Article 73 of the Childhood and Adolescence Code; Article 84 of the Constitution (41-44)
Minimum Age for Hazardous Work	Yes	18	Articles 130 and 133 of the Labor Code; Article 1 of Ministerial Agreement No. JCHG-08-06-10; Articles 2 and 74 of the Childhood and Adolescence Code (41-43, 45)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 6 of Ministerial Agreement No. JCHG-08-06-10; Article 133 of the Labor Code (41, 45)
Prohibition of Forced Labor	Yes		Article 40 of the Constitution; Articles 61–63 of the Law Against Trafficking in Persons; Articles 182, 183, and 315 of the Penal Code (44, 46, 47)
Prohibition of Child Trafficking	Yes		Articles 61–63 of the Law Against Trafficking in Persons; Articles 182, 183, and 315 of the Penal Code (46, 47)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 61 of the Law Against Trafficking in Persons; Articles 175–183 of the Penal Code; Articles 5 and 26 of the Childhood and Adolescence Code (43, 46, 47)
Prohibition of Using Children in Illicit Activities	Yes		Article 61 of the Law Against Trafficking in Persons; Articles 358, 359, and 362 of the Penal Code; Article 71 of Law 285 (Reform to the Narcotics Law); Article 79 of the Childhood and Adolescence Code (43, 46-48)
Minimum Age for Military Recruitment			
State Compulsory	N/A*		Article 96 of the Constitution (44)
State Voluntary	Yes	18	Annex 1 of the Code on the Organization, Jurisdiction, and Social Welfare of the Military (49)
Non-state Compulsory	Yes		Article 509 of the Penal Code; Article 95 of the Constitution (44, 46)
Compulsory Education Age	No	12	Article 121 of the Constitution; Articles 19 and 23 of the Education Law; Article 43 of the Childhood and Adolescence Code (43, 44, 50)
Free Public Education	Yes		Article 121 of the Constitution; Articles 8, 19, and 23 of the Education Law; Article 43 of the Childhood and Adolescence Code (43, 44, 50)

* No conscription (27, 44, 51)

Nicaraguan law is not clear regarding the age up to which education is compulsory. Article 121 of the Constitution states that primary school education is compulsory, but does not specify an age.(44) Under Articles 19 and 23 of the Education Law, education is compulsory only through the sixth grade, which it specifies is up to age 12 and the end of primary school.(50) Article 43 of the Childhood and Adolescence Code states that both primary and secondary school education are compulsory, suggesting up to age 17, but does not specifically state an age.(43) The lack of clarity regarding the age up to which education is compulsory and the potential gap between the compulsory education age and the minimum age for work may leave children vulnerable to child labor, including its worst forms.(1, 52)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5). However, gaps in labor law and criminal law enforcement remain and some enforcement information is not available.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MITRAB)	Enforce labor laws and set child labor policy priorities.(19, 53) Conduct labor inspections through its General Labor Inspectorate, including child labor inspections through its Child Labor Inspections Unit. Conduct training on child labor issues and inspections.(7, 54, 55) Maintain a mailbox in each of Nicaragua’s 17 departments to receive complaints of child labor violations.(56)
Nicaraguan National Police (NNP)	Investigate cases of child labor and human trafficking through the Police Intelligence Unit and the Special Crimes Unit, which detect and investigate crimes, respectively.(7, 19, 54) Maintain a hotline for violations of children’s rights.(56)
Ministry of Governance	Coordinate participation between MITRAB and NNP in labor inspections in which employers resist inspection.(56)
Prosecutor General’s Office	Prosecute cases of child trafficking, commercial sexual exploitation, and the use of children in illicit activities. Contains 2 national-level and 35 department-level prosecutors that prosecute these and other crimes.(7, 19, 54)

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Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

Organization/Agency	Role
Human Rights Attorney for Children	Assist in the enforcement of laws related to child labor and hazardous child labor.(7, 19)
Ministry of the Family, Adolescence, and Childhood (MIFAN)	Maintain a hotline for receiving reports on human trafficking and commercial sexual exploitation.(56) Assist in providing officials with training on child labor violations.(31)

Labor Law Enforcement

In 2016, labor law enforcement agencies in Nicaragua took actions to combat child labor, including its worst forms (Table 6).

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2015	2016
Labor Inspectorate Funding	\$1,000,000 (57)	Unknown*
Number of Labor Inspectors	98 (57)	133 (58)
Inspectorate Authorized to Assess Penalties	Yes (41)	Yes (41, 59)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown	Unknown*
Training on New Laws Related to Child Labor	Unknown	N/A
Refresher Courses Provided	Unknown	Yes (59)
Number of Labor Inspections	Unknown	14,605 (59)
Number Conducted at Worksite	2,593 (57, 60)	Unknown
Number Conducted by Desk Reviews	Unknown	Unknown
Number of Child Labor Violations Found	539 (57)	475 (59)
Number of Child Labor Violations for Which Penalties Were Imposed	0 (57)	Unknown
Number of Penalties Imposed That Were Collected	0 (57)	Unknown
Routine Inspections Conducted	Yes (61)	Yes (59)
Routine Inspections Targeted	Yes (61)	Yes (59)
Unannounced Inspections Permitted	Yes (56, 57)	Yes (62)
Unannounced Inspections Conducted	Yes (56, 57)	Unknown
Complaint Mechanism Exists	Yes (56, 57)	Yes (59)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Unknown	Yes (59)

* The Government does not publish this information.

NGOs reported that the Ministry of Labor (MITRAB) lacks sufficient resources to adequately enforce child labor laws.(57) The number of labor inspectors is insufficient for the size of Nicaragua’s workforce, which includes over 3 million workers. According to the ILO’s recommendation of 1 inspector for every 15,000 workers in industrializing economies, Nicaragua should employ roughly 201 inspectors.(63-65) Of the 133 labor inspectors the Government employed in 2016, 97 focused on general labor law compliance and 36 focused on occupational safety and health issues.(58)

In 2016, MITRAB conducted 14,605 labor inspections, of which 1,696 were child labor-specific inspections.(59) Government officials and NGOs have reported that child labor inspections throughout the country, and those in agricultural areas in particular, are limited due to resource and personnel constraints.(19, 56) Complete information on labor inspections, including on whether inspections were conducted at worksites and on their geographic distribution, was not publicly available. Research could not determine the number of children referred between labor authorities and social services in 2016.

Criminal Law Enforcement

In 2016, criminal law enforcement agencies in Nicaragua took actions to combat the worst forms of child labor (Table 7).

Table 7. Criminal Law Enforcement Efforts Related to the Worst Forms of Child Labor

Overview of Criminal Law Enforcement	2015	2016
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown
Training on New Laws Related to the Worst Forms of Child Labor	Yes (60)	N/A
Refresher Courses Provided	Yes (60)	Yes (66)
Number of Investigations	10 (60)	Unknown
Number of Violations Found	Unknown	Unknown
Number of Prosecutions Initiated	23 (61)	Unknown
Number of Convictions	6 (61)	2 (59)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (60)	Yes (27, 59)

Research did not find the number of criminal investigators employed by the Nicaraguan National Police or Prosecutor General's Office during the reporting period. NGOs reported that criminal law enforcement efforts related to the worst forms of child labor do not adequately address the scope of the problem.⁽⁶⁶⁾ NGOs also indicate that criminal law enforcement agencies lack sufficient financial resources to effectively carry out criminal investigations.^(61, 66)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 8).

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Social Welfare System (SNBS)	Coordinate efforts on child labor and ensure that government institutions protect the rights of and provide social services to children as part of its mandate to assist the Nicaraguan population. Comprises various government ministries, including MITRAB, MIFAN, the Ministry of Education (MINED), the Ministry of Health (MINSAs), and the Ministry of Governance. ⁽⁵⁶⁾
National Coalition Against Trafficking in Persons (CNCTP)	Coordinate efforts to address human trafficking for labor and commercial sexual exploitation. Led by the Ministry of Governance and comprises law enforcement agencies, the Supreme Court of Justice, and NGOs. ^(47, 60, 67)
Ministry of the Family, Adolescence, and Childhood (MIFAN)	Maintain a guide for the provision of assistance to victims of commercial sexual exploitation and coordinate between agencies responsible for their care. ⁽³⁰⁾ Part of the SNBS. ⁽⁵⁶⁾

The National Social Welfare System (SNBS) is the mechanism that coordinates efforts to address child labor.⁽²⁷⁾ However, NGOs report that the SNBS does not comprise a specific and consistent coordinating mechanism due to limited coordination among constituent ministries and a lack of resources dedicated to combating child labor.⁽⁵⁶⁾ Coordination between the SNBS and NGOs that addresses child labor is also limited.⁽²⁷⁾ Research did not find that the SNBS published information in 2016 on its child labor coordination efforts or how it monitored the implementation of national child labor policies.⁽⁶²⁾

NGOs working on human trafficking issues reported that the National Coalition Against Trafficking in Persons (CNCTP) and its regional working groups were largely inactive. Reports also indicate that the CNCTP did not appoint its Executive Secretariat, which is mandated by the Law Against Trafficking in Persons.⁽⁶⁶⁾ While the Ministry of the Family, Adolescence, and Childhood maintains a guide for providing assistance to child victims of commercial sexual exploitation, reports indicate that the Government had no formal procedures for the identification of human trafficking victims among high-risk populations, including children who are trafficked for commercial sexual exploitation.^(3, 30, 67, 68)

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V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government has established policies related to child labor, including its worst forms (Table 9).

Table 9. Key Policies Related to Child Labor[†]

Policy	Description
Roadmap for the Elimination of the Worst Forms of Child Labor	Sets the goal of eliminating the worst forms of child labor by 2016, and all forms of child labor by 2020.(36, 56, 69)
Strategic Plan for the Prevention and Elimination of Child Labor and the Protection of Young Workers (2007–2016)	Aims to eliminate child labor and ensure protections for adolescent workers. Seeks to reintegrate child laborers into the school system and increase school enrollment.(30)
Good Government Plan (2016) [†]	Sets development goals for government ministries, including MITRAB, MINED, and MINSA. Prioritizes human trafficking investigations; aims to protect children from commercial sexual exploitation; and commits to training teachers, creating 1,000 primary teaching positions, and increasing access to education, including for indigenous and Afro-descendant children.(70)
Coffee Harvest Plan	Aims to assist children whose parents work in the coffee harvest and improve their educational opportunities. Focuses on eliminating hazardous child labor in the coffee sector in the Jinotega Department. Developed by the Government in collaboration with the private sector and NGOs.(7, 19, 71, 72)

[†] Policy was approved during the reporting period.

[‡] The Government had other policies that may have addressed child labor issues or had an impact on child labor.(53, 71-77)

The Government's Roadmap for the Elimination of the Worst Forms of Child Labor sets the goal of eliminating child labor in Nicaragua by 2020. However, there is no comprehensive action plan for its full implementation.(1) Research was unable to determine whether activities were undertaken during the reporting period to implement the Strategic Plan for the Prevention and Elimination of Child Labor and the Protection of Young Workers or the Coffee Harvest Plan. The CNCTP's Strategic Plan to Combat Trafficking in Persons expired in 2015, and the extent of its implementation is unknown.(60, 68) In 2016, the CNCTP began drafting a new national action plan to combat human trafficking.(66)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2016, the Government funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 10).

Table 10. Key Social Programs to Address Child Labor[†]

Program	Description
Program Love (Programa Amor) [†]	MIFAN program that targets vulnerable or impoverished children, including children involved in child labor, such as street work. Provides educational assistance for children and vocational training for parents.(19, 53, 67, 78, 79) Overseen by Nicaragua's Vice President in coordination with MINED, MINSA, MITRAB, and the Ministry of Governance.(78) Includes children from birth to age 6 through Program Love for the Smallest Ones.(19, 70, 80) In 2016, aimed to assist and promote school attendance of 33,695 vulnerable children.(70)
Educational Bridges (Puentes Educativos) [†]	MITRAB and MINED public-private partnership that provides education to children of coffee workers to prevent child labor during coffee harvests. In 2016, program continued to build commitments to eliminate child labor in coffee.(81-85)
Integral School Meal Program (Merienda Escolar) [†]	MIFAN and WFP initiative that provides children and adolescents with meals at school to address poverty and improve attendance.(86-88) In 2016, program assisted approximately 1.2 million children.(27, 89, 90)
National School Supply Program (Paquete Escolar)	MINED program that distributes packages of school supplies to preschool, primary, and secondary school children in the poorest districts to increase attendance and completion rates.(91, 92) In 2016, MINED provided more than 700,000 packages of school and teaching supplies, as well as 3.9 million textbooks.(90)
Birth Registration Campaign	Government initiative, in coordination with Save the Children and UNICEF, to advance birth registration campaigns.(31, 35, 36)

[†] Program is funded by the Government of Nicaragua.

[‡] The Government had other social programs that may have included the goal of eliminating or preventing child labor, including its worst forms.(59, 93-95).

The scope of current social programs is not sufficient to assist children who are trafficked or engaged in the worst forms of child labor, including commercial sexual exploitation.(19) While the Government provides medical, educational, and legal assistance to trafficking victims, international organizations and NGOs provide their shelter, food, clothing, and psychological assistance.(7, 68, 96) NGOs indicate that the regions most affected by human trafficking lack adequate care facilities, and that victims of the worst forms of child labor in these areas are referred to NGO shelters in Managua.(68) NGOs also indicate that Program Love lacks overall effectiveness and transparency.(19) Research could not find comprehensive information on the kind of assistance provided to beneficiaries, including those who were engaged in child labor.(57)

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Nicaragua (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law is consistent and provides a compulsory education age that is not less than the minimum age for work.	2014 – 2016
Enforcement	Dedicate more human and financial resources, such as by hiring and retaining a sufficient number of labor inspectors, to the enforcement of child labor laws, in particular in agriculture.	2009 – 2016
	Publish information on the training provided to new labor inspectors.	2015 – 2016
	Publish information on the number of labor inspections conducted at worksites and by desk review, as well as whether unannounced inspections were conducted.	2014 – 2016
	Ensure that penalties are imposed and fines are collected for child labor violations, and make this information publicly available.	2015 – 2016
	Publish information on the number of children referred between labor authorities and social services, respectively.	2015 – 2016
	Publish information on the number and training of criminal investigators employed to investigate the worst forms of child labor and ensure that they have adequate resources to conduct their investigations.	2014 – 2016
	Publish information on the number of criminal investigations, violations, and prosecutions related to the worst forms of child labor, and ensure that criminal law enforcement efforts are adequate to address the scope of the problem.	2014 – 2016
Coordination	Clarify the roles of SNBS ministries in addressing child labor; increase their collaboration and resources to ensure that the Government has a specific and consistent mechanism to coordinate efforts to address child labor, including with NGOs; and publicly report on their efforts.	2014 – 2016
	Ensure that the National Coalition Against Trafficking in Persons meets regularly to coordinate government activities on human trafficking issues, and ensure that it establishes its Executive Secretariat as mandated by the Law Against Trafficking in Persons.	2015 – 2016
	Enhance coordination and information sharing among actors involved in child labor issues and in efforts to identify and refer victims of child trafficking.	2009 – 2016
Government Policies	Finalize and implement a concrete action plan to achieve the objective of eliminating child labor by 2020.	2009 – 2016
	Publish information on efforts undertaken to implement the Strategic Plan for the Prevention and Elimination of Child Labor and the Protection of Young Workers and the Coffee Harvest Plan.	2016
	Make publicly available national plans that address human trafficking and publicly report on their implementation.	2014 – 2016
Social Programs	Develop strategies and devote resources to improve attendance in secondary school education.	2009 – 2016
	Expand programs to address the worst forms of child labor to more sectors in which exploitative child labor exists, such as commercial sexual exploitation.	2009 – 2016
	Dedicate greater resources to expand services that assist child trafficking victims.	2010 – 2016
	Assess the effectiveness of Program Love in reducing the worst forms of child labor and publish its results to inform future efforts.	2010 – 2016
	Expand birth registration programs, in particular in remote areas, to ensure that children have access to basic services.	2009 – 2016

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