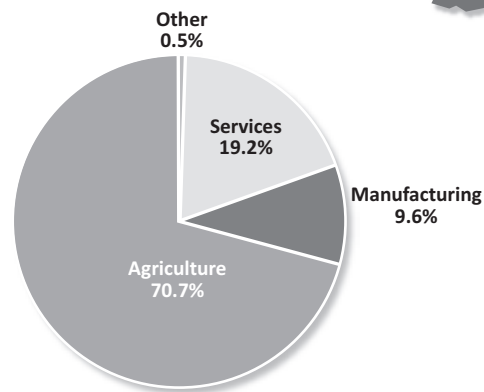


Nicaragua

The Government of Nicaragua has strengthened its policy framework to address the worst forms of child labor by signing collaboration agreements with the mining industry and coffee producers. However, dangerous child labor continues to exist, especially in agriculture. There are gaps 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%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Nicaragua are exploited in the worst forms of child labor, especially in agriculture where they often carry heavy loads, use dangerous tools, and are exposed to dangerous pesticides and fertilizers.³⁶⁷⁹ Children in the agricultural sector work in the production of crops such as coffee, bananas, sugarcane, and tobacco.³⁶⁸⁰ Children also work long hours under risk of physical injury in stock breeding, crushing stone, extracting pumice, mining for gold, and collecting mollusks and shellfish.³⁶⁸¹ In addition, children work in street sales where they are exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.³⁶⁸² Children also work as domestic servants in third-party homes, where they may work long hours and are often subjected to abuse. Some children engage in construction, where they may carry heavy loads and use dangerous tools.³⁶⁸³ Children may also work in transport where they may be isolated from their families and have an elevated

risk of physical injury by riding on the exterior of vehicles or entering and exiting moving vehicles.³⁶⁸⁴ A significant number of children work in the informal sector, and some are engaged in garbage dump scavenging.³⁶⁸⁵ Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of oranges, African palm, sugarcane, fireworks, cigars, bread and pornography.³⁶⁸⁶

Children are also exploited in prostitution.³⁶⁸⁷ Nicaragua is a source and transit country for minors trafficked for sexual exploitation.³⁶⁸⁸ Some children are trafficked within Nicaragua for sex tourism, which is reportedly on the rise, and to work as domestic servants.³⁶⁸⁹ Persons without legal identification documents are at an increased risk of trafficking, and UNICEF has indicated that over a third of children have not been formally registered with the Government.³⁶⁹⁰ Undocumented Nicaraguan boys are recruited to work without pay on farms in Costa Rica.³⁶⁹¹ Children, especially girls, from poor rural areas 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.³⁶⁹² The Government reports that trafficking was linked to organized crime, including prostitutes and brothel owners who recruit trafficking victims, and that trafficking is a significant problem.³⁶⁹³ 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 sexual exploitation and trafficking.³⁶⁹⁴

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for employment at age 14.³⁶⁹⁵ Children ages 14 to 16 must have parental permission and be under the supervision of the Ministry of Labor (MOL) in order to work.³⁶⁹⁶ 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.³⁶⁹⁷ The law imposes fines for violators and allows inspectors to close establishments employing children.³⁶⁹⁸ The labor code includes requirements for employers who contract adolescents to work in their homes to facilitate and promote the education of those adolescent workers.³⁶⁹⁹ In June 2010, in consultation with civil society organizations, 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.³⁷⁰⁰

The Constitution prohibits forced labor, slavery, and indentured servitude.³⁷⁰¹ The Constitution was amended in 1995 to prohibit military conscription. The minimum legal age for entry into the Armed Forces is 18.³⁷⁰²

The Penal Code increased penalties related to the commercial sexual exploitation of children, including penalties for the procurement or recruitment of children under age 18 for prostitution.³⁷⁰³ Promoting, filming, or selling child pornography is prohibited.³⁷⁰⁴ The Penal Code also prohibits trafficking of persons and imposes increased penalties for trafficking of children under age 18.³⁷⁰⁵

	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

Institutional Mechanisms for Coordination and Enforcement

The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI), which is within the MOL, has been the primary institution that sets the priorities on child labor policy.³⁷⁰⁶ CNEPTI consists of a consortium of government agencies and NGOs to address child labor issues in the country through awareness-raising strategies and coordination of direct action programs.³⁷⁰⁷ However, CNEPTI has not officially convened since September 2009.³⁷⁰⁸

The MOL is responsible for enforcing labor laws.³⁷⁰⁹ The MOL's Inspector General's Office is responsible for inspecting all child labor violations.³⁷¹⁰ The Child Labor Inspections Unit (CLU) is dedicated to training, regulating, and integrating child labor issues into labor inspections.³⁷¹¹ The CLU works with the Nicaraguan National Police (NNP), Ministry of Family, and the Human Rights Attorney for Children to enforce child labor laws.³⁷¹²

CNEPTI receives revenues from fines that are used to raise awareness and protect minors.³⁷¹³ The CLU held three workshops in 2009 for merchants, coffee farmers and school directors that covered child labor laws and

prevention.³⁷¹⁴ The Ministry of Family administers a general hotline to report the welfare of children, including the exploitation of children.³⁷¹⁵ In 2009, the MOL had 92 total inspectors, of which two were dedicated to conducting child labor investigations; 476 child labor inspections were conducted in various locations and sectors throughout the country that resulted in 91 children being removed from work.³⁷¹⁶

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.³⁷¹⁷ Nonetheless, a 2009 evaluation of a USDOL-funded project found that institutional weakness among some of the agencies that participate in the NCATIP could hinder the effectiveness of the protocol.³⁷¹⁸ The Public Ministry's Gender Unit has two national-level prosecutors and 35 department-level prosecutors who prosecute cases of child exploitation, including child trafficking, commercial sexual exploitation, and the use of children in illegal activities.³⁷¹⁹ There is no available information on the number of prosecutions or convictions for child exploitation cases.³⁷²⁰

The NNP maintains a national hotline for reporting child trafficking.³⁷²¹ In 2009, there were two convictions for child trafficking.³⁷²² The Government provides limited shelter and services to child trafficking victims, but international organizations and NGOs are the principal service providers assisting trafficking victims.³⁷²³

Government Policies on the Worst Forms of Child Labor

The Government's National Time-Bound Program was developed to create a coordinated policy led by CNEPTI for the elimination of the worst forms of child labor.³⁷²⁴ CNEPTI has been developing a Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua that will replace the previous strategic plan to end all forms of child labor; however, the Roadmap has not yet been officially launched.³⁷²⁵ The MOL has collaboration agreements with the Mining Chamber and Mining Union, and with coffee plantations to prevent and eliminate the worst forms of child labor.³⁷²⁶

The Government's Policy on Special Protection for Children and Adolescents includes special protections for victims of commercial sexual exploitation and trafficking in persons.³⁷²⁷ 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.³⁷²⁸

The Government provides oversight to the 10-year National Action Plan for Children and Adolescents, which supports children's rights.³⁷²⁹ The National Program for Decent Work in Nicaragua (2008-2011) supports efforts to eliminate the worst forms of child labor by 2015 as outlined in the Hemispheric Agenda and includes specific provisions for assistance to CNEPTI and the National Commission against Commercial Sexual Exploitation.³⁷³⁰ Additionally, the Government of Nicaragua's poverty reduction strategy incorporates policy actions to eradicate child labor.³⁷³¹ The concrete action plans needed to realize the child labor objectives have not yet been fully articulated.

The Government is striving to achieve the Millennium Development and Education for All goals by 2015 and has received support in its poverty reduction strategies from the World Bank and USAID that has contributed to improved educational access, attendance, and quality in primary schools.³⁷³² Secondary schools have not been targeted as a priority and secondary school attendance remains low.³⁷³³

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

The Government of Nicaragua has participated in the implementation of programs to eliminate the worst forms of child labor. Since 2001, the Government has participated in several USDOL-funded projects that aimed to eliminate child prostitution in Leon, exploitative child labor in Managua's main garbage dump, on coffee plantations, and in farming and stockbreeding.³⁷³⁴ CNEPTI has been effective in raising 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 where the worst forms of child labor occur.³⁷³⁵

The *Plan Cosecha de Café* (Coffee Harvest Plan) supported by CNEPTI aims to develop an integral approach to assist children whose parents work in the coffee harvest; it has resulted in producers agreeing to support educational alternatives on the coffee plantations.³⁷³⁶ 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; however, the lack of resources hinders progress in this area.³⁷³⁷ The Government of Nicaragua is participating in a USDOL-funded, 3-year \$5 million initiative that aims to withdraw and prevent 10,045 children from exploitative labor primarily in the coffee-growing Departments of Madriz and Jinotega through the provision of education and training opportunities.³⁷³⁸ The project has worked to generate awareness-raising among parents and business owners about the hazards of child labor, commitments among coffee plantation owners to eliminate child labor in their production processes, construction of new schools on coffee plantations, and support for the provision school materials.³⁷³⁹

First Lady Rosario Murillo, in coordination with the Ministries of Family, Health, Education, and Government, oversees a child labor initiative called Program Amor (Love) that targets 25,000 street children and their families primarily in Managua, to provide education for children and vocational training for parents.³⁷⁴⁰ Additionally, a project

funded by USDOS provides shelter and medical assistance to child trafficking victims, in addition to conducting awareness-raising activities for families on trafficking.³⁷⁴¹

The Government conducts a birth registration campaign with assistance from the United Nations Population Fund that targets many undocumented children in rural areas and indigenous communities along the Atlantic Coast to facilitate their access to social services and to reduce vulnerability to trafficking.³⁷⁴²

The Government participated in regional projects to combat the worst forms of child labor, including a project that built the capacity of Government and civil society organizations to combat the commercial sexual exploitation of children and child trafficking through the creation and strengthening of legislative prohibitions, national plans of action, and repatriation protocols.³⁷⁴³ Another regional project focused on strengthening regional cooperation, legislation, policies, and institutions to reduce child labor through the provision of education.³⁷⁴⁴ The Government participates in a 4-year, \$8.4 million regional project to eradicate child labor in Latin America, funded by the Government of Spain.³⁷⁴⁵

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 elimination of the worst forms of child labor in Nicaragua:

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Dedicate greater 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 promote the education of adolescent workers.
- Increase the role of CNEPTI to address the worst forms of child labor, including the frequency of meetings.
- Enhance efforts to fight child trafficking, including improving coordination and information sharing among actors involved in national, bilateral and regional anti-trafficking campaigns, raising awareness, increasing resources to victims, and expanding birth registration campaigns nationwide.

IN THE AREA OF POLICY:

- Develop concrete action plans that pursue the child labor objectives included in the Hemispheric Agenda and poverty reduction strategy.
- Officially launch and implement the *Roadmap for the Elimination of the Worst Forms of Child Labor by 2015 in Nicaragua*.

IN THE AREA OF PROGRAMS:

- Increase resources to improve attendance in secondary education.
- Expand awareness raising and other strategies to reduce the demand for child sex tourism and commercial sexual exploitation.
- Apply good practices and strategies undertaken to eliminate child labor in the coffee sector to other sectors, including by raising awareness and partnering with business owners in specific sectors to eliminate child labor in their production processes.
- 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 hazardous child labor.

³⁶⁷⁹ 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*, 2005-2010. 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.

³⁶⁸⁰ 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. See also Washington Office on Latin America, *DR-CAFTA and Worker's Rights: Moving from Paper to Practice*, April 2009; available from http://www.wola.org/media/WOLA_RPT_WorkersRights_F.pdf. See also American Institutes for Research, *ENTERATE: Combating the Worst Forms of Child Labor through Education in Nicaragua*, Technical Progress Report, September 2010, 13-14.

³⁶⁸¹ 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. See also U.S. Embassy - Managua, *reporting*, February 2, 2010. See also U.S. Embassy- Managua, *reporting*, April 28, 2009.

³⁶⁸² 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. Department of State, "Nicaragua," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010, section 7d; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136120.htm>. See also

Government of Nicaragua - Ministerio del Trabajo, *Acuerdo Ministerial núm. JCHG-008-05-07 sobre el cumplimiento de la ley 474 ley de reforma al título VI, libro primero del código del trabajo*, 2007.

³⁶⁸³ Government of Nicaragua - Ministerio del Trabajo, *Situación del Trabajo Infantil En Nicaragua, Riesgos Y Daños*.

³⁶⁸⁴ ILO-IPEC and the Government of Nicaragua, *Trabajo Infantil Peligroso en Nicaragua*. 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.

³⁶⁸⁵ 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 13, 2009.

³⁶⁸⁶ 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- 2009: Nicaragua," section 5. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*, [online] 2009 [cited February 25, 2010]; 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>.

³⁶⁸⁷ U.S. Department of State, "Nicaragua (Tier 2 Watch List)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. See also U.S. Department of State, "Country Reports- 2009: Nicaragua," section 5.

³⁶⁸⁸ U.S. Department of State, "Trafficking in Persons Report- 2010: Nicaragua." See also UN Human Rights Committee, *Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant: Concluding Observations: Nicaragua* CCPR/C/NIC/CO/3, Geneva, December 12, 2008; available from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/456/92/PDF/G0845692.pdf?OpenElement>. See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*.

³⁶⁸⁹ U.S. Department of State, "Country Reports- 2009: Nicaragua," section 5. See also U.S. Department of State, "Nicaragua (Tier 2 Watch List)," in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/index.htm>.

See also U.S. Embassy - Managua, *reporting*, February 17, 2010.

³⁶⁹⁰ U.S. Department of State, “Nicaragua,” in *Country Reports on Human Rights Practices- 2008*, Washington, DC, February 25, 2009, section 2d; available from <http://www.state.gov/g/drl/rls/hrrpt/2008/wha/119167.htm>. See also U.S. Embassy- Managua, *reporting*, December 14, 2007.

³⁶⁹¹ U.S. Department of State, “Country Reports- 2008: Nicaragua,” section 5. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Nicaragua.”

³⁶⁹² U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. See also U.S. Embassy- Managua, *reporting*, February 13, 2009.

³⁶⁹³ U.S. Embassy- Managua, *reporting*, February 13, 2009. See also U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5. 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.

³⁶⁹⁴ U.S. Embassy- Managua, *reporting*, August 19, 2008.

³⁶⁹⁵ 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/ipecc/documentos/codigo_de_la_ninez_y_la_adolescencia_nicaragua.doc.

³⁶⁹⁶ Government of Nicaragua - Ministerio del Trabajo, “Código del Trabajo,” article 131.

³⁶⁹⁷ *Ibid.*, articles 132-134.

³⁶⁹⁸ U.S. Department of State, “Country Reports- 2008: Nicaragua,” section 6d. See also U.S. Embassy- Managua, *reporting*, April 28, 2009. See also U.S. Embassy - Managua, *reporting*, May 20, 2010.

³⁶⁹⁹ Government of Nicaragua - Ministerio del Trabajo, “Código del Trabajo,” articles 145-154.

³⁷⁰⁰ 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 See also ILO Committee of Experts, *Direct Request, Worst Forms of Child Labour Convention, 1999 (No. 182) Nicaragua (ratification: 2000)*. See also American Institutes for Research, *ENTERATE: Technical Progress Report, September 2010*, 2-3.

³⁷⁰¹ Government of Nicaragua, *Constitución Política de la República de Nicaragua* (1987, with 1995, 2002 and 2005 reforms), article 40; available from <http://pdba.georgetown.edu/Constitutions/Nica/nica05.html>. See also U.S.

Department of State, “Country Reports- 2008: Nicaragua,” section 6c.

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³⁷⁰⁴ *Ibid.*, article 175.

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³⁷⁰⁷ U.S. Embassy- Managua, *reporting*, April 28, 2009. See also U.S. Embassy - Managua, *reporting*, May 20, 2010.

³⁷⁰⁸ 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*, 33. See also American Institutes for Research, E-mail communication to USDOL official, October 29, 2010.

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³⁷¹³ Government of Nicaragua - Ministerio del Trabajo, “Código del Trabajo,” article 135.

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³⁷¹⁷ Government of Nicaragua, *Protocolo para la repatriación de niños, niñas y adolescentes víctimas de trata de personas*. See also U.S. Department of State, “Country Reports- 2009: Nicaragua,” section 5.

³⁷¹⁸ ILO-IPEC, *IPEC Evaluation: “Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama and Dominican Republic Sub-regional Project (Second Phase)”* Independent final evaluation, April 2009, 14 and 28. See also U.S. Embassy - Managua, *reporting*, February 17, 2010.

³⁷¹⁹ U.S. Embassy - Managua, *reporting*, May 20, 2010.

³⁷²⁰ *Ibid.*

³⁷²¹ *Ibid.*

³⁷²² *Ibid.*

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