

# Nicaragua

## Government Programs and Policies to Eliminate the Worst Forms of Child Labor

The Government of Nicaragua has been a member of ILO-IPEC since 1996.<sup>1793</sup> ILO-IPEC is currently working with the Ministry of Labor on several USDOL-funded projects to eliminate child labor. An ILO-IPEC project targets children working in garbage dumps.<sup>1794</sup> A second project addresses the problem of children in prostitution in León, while a third project targets children working in coffee farms in the rural areas of Matagalpa and Jinotega.<sup>1795</sup> A fourth ILO project aims to eliminate child labor in farming and stockbreeding in the Department of Chontales. Finally, the Ministry of Labor (MITRAB), with technical assistance from ILO-IPEC's SIMPOC, is undertaking a national child labor survey.<sup>1796</sup>

Through the National Commission for the Eradication of Child Labor, the government of Nicaragua, in collaboration with international organizations, NGOs, and the private sector, has developed a strategic plan for addressing child labor in the country.<sup>1797</sup> The National Commission has also identified forms of work which are among the worst forms of child labor, initiated policies to end the exploitation of children, provided alternatives for working minors to receive formal schooling, and increased protections for children in the workplace. The current plan of action includes a national campaign, "Study First, Work Later," as well as initiatives aimed at the progressive elimination of child labor in the indigenous community of Subtavia, Leon, on the streets of Managua, and in the market of Santos Barcenás.<sup>1798</sup>

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 10.8 percent of children between the ages of 10 and 14 in Nicaragua were working.<sup>1799</sup> Children work in the production of export crops such as coffee,

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<sup>1793</sup> "Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua," project document, 1999 [hereinafter "Prevention and Progressive Elimination of Child Labour in the Coffee Industry"], 3 [document on file].

<sup>1794</sup> "Elimination of Child Labor at la Chureca Dump Yard, Department of Managua," project document, 2000 [hereinafter "Elimination of Child Labor at la Chureca"], p. 13 [document on file].

<sup>1795</sup> "Elimination of Child Labor and the Risk of Sexual Exploitation of Girls and Teenagers in the Bus Station in the Municipality of Leon," project document, 1998 [document on file], and "Prevention and Progressive Elimination of Child Labour in the Coffee Industry"], 3.

<sup>1796</sup> ILO-SIMPOC Project Document—Central America, 21 September 1999.

<sup>1797</sup> "Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005" (Comisión Nacional para la Erradicación Progresiva del Trabajo Infantil y la Protección del Menor Trabajador, 2000) [hereinafter "Plan estratégico nacional para la prevención y erradicación del trabajo infantil"], 30-31 [document on file].

<sup>1798</sup> Ministerio do Trabajo, "Actividades Realizadas Para Erradicar El Trabajo Infantil en Nicaragua" (Managua, April 1999) [document on file].

<sup>1799</sup> ILO, *Yearbook of Labour Statistics* (Geneva, 2000). According to the ILO, 74,180 children were working.

bananas, tobacco, and rice, as well as in fishing and stockbreeding.<sup>1800</sup> Some children are forced by their parents to work as beggars and vendors, and some are “rented” by their parents to organizers of beggars.<sup>1801</sup> Children in several areas of the country are involved in the trafficking of drugs.<sup>1802</sup> Child prostitution has increased in Nicaragua, particularly in Managua, port cities, rural areas, and along the Honduran and Costa Rican borders.<sup>1803</sup> Children are also trafficked from Nicaragua to Mexico and Guatemala for the purpose of prostitution.<sup>1804</sup>

Education is free and compulsory through the sixth grade (age 12) in Nicaragua.<sup>1805</sup> In 1997, the gross primary enrollment rate was 101.6 percent and the net primary enrollment rate was 77.3 percent.<sup>1806</sup>

## Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14. Parental consent is required for children ages 14 to 16 to be employed.<sup>1807</sup> Under the Labor Code, children between the ages of 14 and 17 cannot work at night or for over six hours a day.<sup>1808</sup> Children under the age of 18 are prohibited from work that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues.<sup>1809</sup> The Constitution prohibits any employment of children that could adversely affect normal childhood development or interfere with schooling. The Constitution also prohibits slavery and servitude and provides protection from any type of eco-

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<sup>1800</sup> “Plan estratégico nacional para la prevención y erradicación del trabajo infantil”, 30-31. *See also* “Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales,” project document, 2000 [hereinafter “Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors”] [document on file].

<sup>1801</sup> U.S. Embassy–Managua, unclassified telegram no. 1991, July 17, 2000.

<sup>1802</sup> “Plan estratégico nacional para la prevención y erradicación del trabajo infantil at 30-31 [document on file].

<sup>1803</sup> *Country Reports on Human Rights Practices for 2000—Nicaragua* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/813.htm>.

<sup>1804</sup> *Country Reports 2000* at Section 6f.

<sup>1805</sup> Free and compulsory primary education is restricted to citizens and residents of Nicaragua. *Annual Report of the Special Rapporteur on the Right to Education, Katarina Toasevaki*, submitted in accordance with the Commission on Human Rights Resolution 2000/9 (UN Commission on Human Rights, E/CN.4/2001/52, January 9, 2001). *See also* “Elimination of Child Labor at la Chureca”, 2.

<sup>1806</sup> *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001). Although primary education is compulsory in Nicaragua, some children drop out or repeat grades, particularly in the early years.

<sup>1807</sup> *Country Reports 2001* at Section 6f.

<sup>1808</sup> *Ibid.*

<sup>1809</sup> U.S. Embassy–Managua, unclassified telegram no. 3202, October 2001 [hereinafter unclassified telegram 3202].

nomic or social exploitation.<sup>1810</sup> The legal age for voluntary enlistment into the armed forces is age 17.<sup>1811</sup>

Article 76 of the Children and Adolescents' Code of 1998 calls for the different sectors of society—government, private institutions, family, community and schools—to share responsibility for ensuring the welfare of children who are in difficult circumstances, including those who are abused, exploited, or working.<sup>1812</sup> The Penal Code prohibits individuals from promoting or engaging in the prostitution of children. Articles 200 and 201 of the Code provide for a penalty of four to 10 years in prison for a person who entices or forces a child under the age of 12 to engage in sexual activities. Individuals who sexually exploit persons between the ages of 12 and 18 years may be sentenced to between one and five years in prison.<sup>1813</sup> In addition, Article 69 of the Children and Adolescents' Code forbids any person from promoting, filming, or selling child pornography.<sup>1814</sup>

The Ministry of Labor has a child labor office that responds to complaints related to children working illegally.<sup>1815</sup> The Ministry conducts periodic child labor inspections and integrated inspections, which look at occupational safety and health, working conditions, wage and other labor violations. In recent years, the number of child labor complaints received by the Ministry has risen dramatically, from 14 in 1998 to 1,700 in the first three months of 2001.<sup>1816</sup>

Nicaragua ratified ILO Convention 138 on November 2, 1981 and ILO Convention 182 on November 6, 2000.<sup>1817</sup>

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<sup>1810</sup> Constitución de Nicaragua, Articles 40 and 84, at <http://www.asamblea.gob.ni/constitución/constitu.htm>.

<sup>1811</sup> *Global Report on Child Soldiers*, Nicaragua, at <http://www.child-soldiers.org/report2001/countries/nicaragua.html>.

<sup>1812</sup> Código de la Niñez y la Adolescencia, Gobierno de Nicaragua [hard copy on file].

<sup>1813</sup> U.S. Embassy—Managua, unclassified telegram no. 2462, September 2000.

<sup>1814</sup> Código de la Niñez y la Adolescencia, Gobierno de Nicaragua [hard copy on file].

<sup>1815</sup> Unclassified telegram 3202.

<sup>1816</sup> *Ibid.*

<sup>1817</sup> ILOLEX, Ratifications of Conventions, at <http://ilolex.ilo.ch:1567/>.

*NOTE: Hard copies of all Web citations are on file.*