

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 1996.²⁵⁷⁴ ILO-IPEC is currently working with the Ministry of Labor on several USDOL-funded projects to eliminate child labor. One of these projects targets children working in garbage dumps;²⁵⁷⁵ another addresses the problem of children in commercial sexual exploitation;²⁵⁷⁶ a third project targets children working in coffee farms in the rural areas of Matagalpa and Jinotega;²⁵⁷⁷ and a fourth aims to eliminate child labor in farming and stockbreeding in the Department of Chontales.²⁵⁷⁸ The Ministry of Labor, with technical assistance from ILO-IPEC's SIMPOC and funding from USDOL, has nearly completed a national child labor survey.²⁵⁷⁹ Other ILO-IPEC projects in which the Government of Nicaragua is participating include action programs in the mining, tobacco and domestic service sectors.²⁵⁸⁰

The First Lady has created several commissions on children's issues and has served as the head of the National Commission for the Protection of Children and the National Commission for the Eradication of Child Labor.²⁵⁸¹ Through the National Commission for the Eradication of Child

²⁵⁷⁴ ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua (Phase I)*, technical progress report, no. 1, NIC/99/05/P050, March 26, 2002, 2.

²⁵⁷⁵ ILO-IPEC, *Elimination of Child Labor in the dump yard of Managua, Acahualinca's Neighborhood "La Chureca" (Phase I)*, technical progress report, no. 1, NIC/00/50P/USA, March 11, 2002, 1.

²⁵⁷⁶ Though this regional project focuses primarily on regional coordination, awareness raising, institutional capacity building, and national coordination, in Nicaragua, this project will target 200 girls in Managua for direct services, such as education, social services and health care. ILO-IPEC, "Stop the Exploitation" ("Alto a la explotacion") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, RLA/02/P51/USA, June 30, 2002. Prior to the regional commercial sexual exploitation project, ILO/IPEC implemented a child prostitution project in Leon, which was completed in March 2001. See ILO-IPEC, *Elimination of Child Labor and the Risk of Sexual Exploitation of Girls and Teenagers in the Bus Station in the Municipality of Leon (Phase I)*, technical progress report, no. 1, 090.73.204.064, March 8, 2001.

²⁵⁷⁷ ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry*, technical progress report, 3. The coffee project is scheduled for completion in March 2003.

²⁵⁷⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales*, project document, 2000.

²⁵⁷⁹ ILO-IPEC, *Child Labor Survey and development of database on child labor in Nicaragua (SIMPOC)*, technical progress report, no. 1, CAM/99/05P/057. Action Programme no. P 095 74 204 057, March 12, 2002. Field data has been collected. The project is now in the data cleaning and report preparation stage. See Government of Nicaragua, *SIMPOC Surveys*, Chart, August 28, 2002.

²⁵⁸⁰ ILO-IPEC official, electronic communication to USDOL official, September 22, 2002. See also ILO-IPEC official, electronic communication to USDOL official, September 10, 2002.

²⁵⁸¹ U.S. Department of State, *Country Reports on Human Rights Practices- 2000: Nicaragua*, Washington, D.C., February 23, 2001, Section 5 [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/813.htm>.

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.²⁵⁸² Actions to facilitate the implementation of the plan include requesting technical assistance from ILO to quantify child labor annually, approving reforms to the Labor Code (which would eliminate certain exceptions for child workers under the age of 14) and including a decree containing a list of hazardous work identified in Nicaragua.²⁵⁸³ The Ministry of Family also sponsors programs for working children including childcare services, return-to-school programs and technical and vocational training.²⁵⁸⁴ In response to concerns about increases in child prostitution, a National Forum against the Sexual and Commercial Exploitation of Children and Adolescents was established in 1999 to raise awareness and advocate for children's rights. However, it failed to take action during 2001.²⁵⁸⁵

In 2000, the Ministry of Education, Sport and Culture announced a 15-year National Education Plan.²⁵⁸⁶ In February 2002, the Government of Nicaragua and representatives from local and international NGOs launched a UNICEF-sponsored project to promote the rights of children, emphasizing a child's right to education and freedom from labor exploitation.²⁵⁸⁷ International

²⁵⁸² The National Commission was established in 1997. See National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 2, 32-33. See also ILO-IPEC, *Elimination of Child Labor in the dump yard, technical progress report, 2*. The 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, León, on the streets of Managua, and in the market of Santos Bárcenas. Ministry of Labor, "Actividades Realizadas Para Erradicar El Trabajo Infantil en Nicaragua" (paper presented at the Reunion of Labor Ministers of Central America, Panama and the Dominican Republic, Managua, April 27-29, 1999), 10-13. Eleven direct programs have been implemented throughout the country with new projects targeting domestic servants and sexual exploitation to begin shortly. Roberto Fonseca, *Government Will Take New Action regarding Child Labor*, (Edition No. 52), Angel de la Guarda, [online] July-August 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-52/temacentral1-i.html>.

²⁵⁸³ ILO-IPEC, *Elimination of Child Labor in the dump yard, technical progress report, 2*.

²⁵⁸⁴ The Ministry of Family, in conjunction with the Ministry of Education, Sport and Culture, has established a program to target children who beg, wash car windows and sell goods at traffic lights. U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Nicaragua*, Washington, D.C., March 4, 2002, 2970-73, Section 6d [cited December 16, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8315.htm>. The Government's Fund for Children and the Family also works with the ILO and other NGOs to target this population. See Education to Combat Abusive Child Labor Activity, *Child Labor Country Briefs: Nicaragua, 2002* [cited September 29, 2002]; available from <http://www.beps.net/ChildLabor/Database.htm>.

²⁵⁸⁵ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-70, Section 5.

²⁵⁸⁶ The plan outlines strategies for general improvements to the quality of education as well as strategies for making education more equitable among social classes, genders, and education levels. Strategies include an extension of early education programs, school based nutrition and health programs, adult literacy programs, as well as technical training and non-formal education. See The Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000, [cited December 16, 2002]; available from <http://www.mecd.gob.ni/plannac.asp>.

²⁵⁸⁷ The project focuses on indigenous and multiethnic populations providing teacher training and educational materials to 262 primary and secondary schools in the north Atlantic region. UNWire, *Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights*, United Nations Foundation, [online] February 7, 2002 [cited December 16, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23665. UNICEF also sponsors projects to support girls' education. See UNICEF, *Girls' Education in Nicaragua*, [online] [cited September 29, 2002]; available from http://www.unicef.org/programme/girlseducation/action/ed_profiles/Nicaraguaweb1.PDF.

organizations and donors have also supported education projects in Nicaragua. The European Union and USAID support primary education; USAID has made funds available for education reform.²⁵⁸⁸ The World Bank's Basic Education Program sponsored a grant for nearly 4.7 million textbooks and 4.3 million workbooks for primary schools in Nicaragua in 1999 and also has plans to provide a low interest loan to fund a scholarship program, teacher training, school libraries, nursery schools, and building renovations.²⁵⁸⁹ The Civil Voluntary Group of Italy also announced plans to assist working children in Nicaragua by providing school materials and training in capacity building.²⁵⁹⁰

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 12 percent of children ages 10 to 14 years in Nicaragua were working.²⁵⁹¹ Children work in the production of export crops such as coffee, bananas, tobacco, and sugar, as well as in fishing and stockbreeding.²⁵⁹² Some children are forced by their parents to work as beggars and vendors, and some are "rented" by their parents to organized groups of beggars.²⁵⁹³ Children in several areas of the country are involved in the trafficking of drugs.²⁵⁹⁴ The Ministry of Labor survey also reported that at least 1 percent of working children are paying off debts and live in a highly vulnerable situation.²⁵⁹⁵ Child prostitution has increased in Nicaragua, particularly in Managua, port cities, rural areas, along the Honduran and Costa Rican borders, and along highways.²⁵⁹⁶ There have been reports that children from Nicaragua have been trafficked to Mexico and Guatemala for the purpose of prostitution.²⁵⁹⁷ However, these reports are unconfirmed.

²⁵⁸⁸ USAID, *Nicaragua: Overview*, [online] May 29, 2002 [cited September 4, 2002]; available from <http://www.usaid.gov/country/lac/ni/>.

²⁵⁸⁹ World Bank, *Nicaragua Education Project Tackles the Basics: More books for kids, and more training for teachers*, (Latin America and the Caribbean - Nicaragua), [online] September 7, 1999 [cited August 25, 2002]; available from <http://wbIn0018.worldbank.org/external/lac/lac.nsf/54a7bf01c0a0900a852567d6006b59b4/f81f52f3a4821ad3852567e8005bad7d?OpenDocument>.

²⁵⁹⁰ Initially, the program will focus on Bilwi and Waspam and then later extend to the mining sector. UNWire, *Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights*.

²⁵⁹¹ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

²⁵⁹² National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 32-33. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors*. See also U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-70, Section 6d.

²⁵⁹³ U.S. Embassy- Managua, *unclassified telegram no. 1991*, July 17, 2000.

²⁵⁹⁴ National Commission for the Progressive Eradication of Child Labor and Protection of the Adolescent Worker, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 32-33.

²⁵⁹⁵ Roberto Fonseca, *Child Slavery in Nicaragua*, (Edition No. 52), Angel de la Guarda, [online] July-August 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-52/temacentral-i.html>.

²⁵⁹⁶ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2966-73, Sections 5 and 6d. See also Protection Project, "Nicaragua," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 29, 2002]; available from <http://209.190.246.239/ver2/cr/Nicaragua.pdf>.

²⁵⁹⁷ U.S. Department of State, *Country Reports- 2001: Nicaragua*, 2970-73, Section 6f.

Education is free and compulsory through the sixth grade (age 12) in Nicaragua; however, this provision is not enforced.²⁵⁹⁸ The Committee on the Rights of the Child has expressed concerns about the gap between the age at which compulsory education ends and the minimum legal work age. The Committee has recommended that the government increase the number of years of compulsory education from six to nine years.²⁵⁹⁹ In 1997, the gross primary enrollment rate was 101.7 percent, and the net primary enrollment rate was 77.3 percent.²⁶⁰⁰ The gross and net attendance rates for 1997-1998 were 105.1 and 73.1 percent respectively.²⁶⁰¹ A constitutional provision known as the 6 percent rule automatically allocates 6 percent of the annual budget to a higher education consortium, often at the expense of primary and secondary education.²⁶⁰²

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.²⁶⁰³ Under the Labor Code, children ages 14 to 17 cannot work for over 6 hours a day or 30 hours a week.²⁶⁰⁴ 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.²⁶⁰⁵ The Labor Code prohibits any employment of children that could adversely affect normal childhood development or interfere with schooling.²⁶⁰⁶ The Constitution prohibits slavery and servitude and provides protection from any type of economic or social exploitation.²⁶⁰⁷

²⁵⁹⁸ *Constitución de Nicaragua, 1986*, (1986), Article 121 [cited October 4, 2002]; available from <http://www.right-to-education.org/content/consguarant/nicaragua.html>. Free and compulsory primary education is restricted to citizens and residents of Nicaragua. See UN Commission on Human Rights, *Annual Report of the Special Rapporteur on the Right to Education, Katarina Tomasevski*, submitted in accordance with the Commission on Human Rights Resolution 2000/9, UN Document No. E/CN.4/2001/52, January 9, 2001.

²⁵⁹⁹ UN Committee on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Nicaragua*, Consideration of Reports Submitted by States Parties Under Article 44 of the Convention on the Rights of the Child, CRC/C/Add.108, August 24, 1999.

²⁶⁰⁰ World Bank, *World Development Indicators 2002*.

²⁶⁰¹ USAID, *Demographic Health Survey 2002*.

²⁶⁰² U.S. Department of State, *Country Reports- 2001: Nicaragua, 2966-70*, Section 5.

²⁶⁰³ Government of Nicaragua, *Código del Trabajo, Ley. No. 185*, Article 131 [cited October 4, 2002]; available from <http://natlex.ilo.org/txt/S96NIC01.htm#11t6c1>.

²⁶⁰⁴ *Ibid.*, Article 134.

²⁶⁰⁵ *Ibid.*, Article 133.

²⁶⁰⁶ *Ibid.*, Article 132.

²⁶⁰⁷ *Constitución de Nicaragua*, Article 4, 40. See also UN Committee on the Rights of the Child, *Concluding Observations*.

The Penal Code prohibits individuals from promoting or engaging in the prostitution of children.²⁶⁰⁸ In addition, Article 69 of the Children and Adolescents' Code forbids any person from promoting, filming or selling child pornography.²⁶⁰⁹

The Ministry of Labor has an office that responds to complaints related to the illegal employment of child workers.²⁶¹⁰ The ministry conducts periodic child labor inspections and integrated inspections, which include reviews of occupational safety and health, working conditions, wage, and other labor conditions.²⁶¹¹ Penalties for violating the rights of child workers include a fine of between C 500 (USD 34.69) and C 5000 (USD 346.88).²⁶¹² There are 19 labor inspection offices, three in Managua and 16 in the departments. Approximately 84 inspectors oversee child labor in industry, agriculture and other labor sectors.²⁶¹³ The establishment of a new Child Labor Unit within the Ministry of Labor's Inspector General's Office in 1999 has resulted in a dramatic increase in the number of child labor inspections conducted by the Unit. While only 14 inspections were conducted in 1998, an average of 560 were conducted each year from 1999 through 2001.²⁶¹⁴ The recent Labor Ministry survey indicates that violations of the Labor Code are common. The Director of General Labor Inspection estimates that at least 30 more staff are required to monitor areas with high economic activity. However, the institution is currently undergoing severe budget cuts.²⁶¹⁵

The Government of Nicaragua ratified ILO Convention No. 138 on November 2, 1981, and ILO Convention No. 182 on November 6, 2000.²⁶¹⁶

²⁶⁰⁸ Articles 200 and 201 of the Code provide for a penalty of 4 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 1 and 5 years in prison. U.S. Embassy- Managua, *unclassified telegram no. 2462*, September 2000.

²⁶⁰⁹ U.S. Embassy- Managua, *unclassified telegram no. 1991*. In 2000, the Nicaraguan government approved a policy to "Eradicate Violence and Commercial Sexual exploitation of Children and Adolescents." However, this was not included in legislative reform to the Penal Code in 2001. Several NGOs have responded by proposing a bill with stronger sanctions for incorporation into the 2002 legislative agenda. See Roberto Fonseca and Heberto Rodriguez, *Impunity for Sexual Crimes against Children*, (Edition No. 48), Angel de la Guarda, [online] January-February 2002 [cited September 4, 2002]; available from <http://www.angel.org.ni/2002-48/temacentral-i.html>.

²⁶¹⁰ U.S. Embassy- Managua, *unclassified telegram no. 3202*, October 2001.

²⁶¹¹ *Ibid.*

²⁶¹² *Código del Trabajo*, Article 135. For currency conversion see FX Converter, [online] [cited October 3, 2002]; available from <http://www.carosta.de/frames/convert.htm>.

²⁶¹³ Roberto Fonseca, *Child Slavery in Nicaragua*.

²⁶¹⁴ U.S. Embassy- Managua, *unclassified telegram no. 3202*.

²⁶¹⁵ Dr. Emilio Noguera, Director of General Labor Inspections notes that 65 percent of child labor takes place in the rural areas that are difficult to access with the office's current staff and resources. Furthermore, 78 percent of working children ages 5 to 17 are based in the informal sector where labor laws are difficult if not impossible to enforce. See Roberto Fonseca, *Child Slavery in Nicaragua*.

²⁶¹⁶ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited September 4, 2002]; available from <http://iloex.ilo.ch:1567/english/newratframeE.htm>.