

Nicaragua

Incidence and Nature of Child Labor

The Nicaraguan National Institute of Statistics and Censuses estimated that 9.9 percent of children in Nicaragua ages 5 to 14 years were working in 2000.²⁹¹² The agriculture, forestry and fishing sectors employ the largest percentage of child workers (53.1 percent); followed by business, restaurants and hotels (19.2 percent); services such as domestic services within the home and community (11.1 percent); and industrial manufacturing (10.7 percent).²⁹¹³ In rural areas, children work in the production of export crops such as coffee, bananas, tobacco, and sugar, as well as in fishing, stockbreeding and mining.²⁹¹⁴ In urban areas, children work in the streets selling merchandise, cleaning car windows, or begging.²⁹¹⁵ Some children are forced by their parents to beg, and some are “rented” out by their parents to organized groups of beggars.²⁹¹⁶ Child prostitution is a problem in Nicaragua, particularly in Managua, port cities, along the Honduran and Costa Rican borders, and near highways. Prostitution also occurs in rural areas.²⁹¹⁷ Nicaragua is considered to be a source and transit country for trafficking within Central America and Mexico.²⁹¹⁸

²⁹¹² Another 30.3 percent of children ages 15 to 17 years were also found working. According to the survey, 71.5 percent of working children between the ages 5 to 17 are boys and 28.5 percent are girls. The survey acknowledges that these numbers may not present an accurate reflection of the gender balance among working children due to the invisibility of work commonly done by girls. See Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente*, ILO, 2003, 16; available from http://www.ilo.org/public/spanish/standards/ipecc/simpoc/nicaragua/reports/ni_rep.pdf.

²⁹¹³ The percentages of children found working in other sectors are as follows: construction (3.7 percent), transport (1.6 percent), financial establishments (0.3 percent) mines and quarries (0.2 percent) and electricity, gas and water (0.1 percent). Some children working in these sectors begin work when they are 5 and 6 years old. Thirteen percent of working children have been found to work more than eight hours a day. See *Ibid.*, 60, 17.

²⁹¹⁴ CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil y protección del adolescente trabajador: Nicaragua, 2001-2005*, Managua, October 2000, 32-33. See also ILO-IPEC, *Prevention and Elimination of Child Labor in the Farming and Stockbreeding Sectors in the Department of Chontales*, technical progress report, NIC/00/05/050, ILO-IPEC, Geneva, September 20, 2004, 1. An estimated 300 to 400 children were reported to be working in mines in Northern Nicaragua in 2004. See U.S. Embassy-Managua, *unclassified telegram no. 2368*, August 2004.

²⁹¹⁵ Over 6,000 children work on the streets of Managua. See U.S. Department of State, *Country Reports on Human Rights Practices-2003: Nicaragua*, Washington, D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27906.htm>. A survey released by the Commission on Child Labor of the Youth Coordinator (CODENI) in July 2004 found that 82.1 percent of the 585 child workers surveyed in the municipal marketplace in Jinotega were between the ages of 5 and 10 years. See U.S. Embassy- Managua, *unclassified telegram no. 2368*.

²⁹¹⁶ U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6c, 6d. A 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. See Roberto Fonseca, *Child Slavery in Nicaragua*, (Edition No. 52), in Angel de la Guarda, [online] July-August 2002 [cited May 26, 2004]; available from <http://www.angel.org.ni/2002-52/temacentral-i.html>.

²⁹¹⁷ OAS noted an increase in prostitution among girls as young as 10. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 5. See also The Protection Project, “Nicaragua,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, 2002; available from <http://www.protectionproject.org/main1.htm>.

²⁹¹⁸ U.S. Department of State, *Trafficking in Persons Report- 2004: Nicaragua*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm>. See also International Human Rights Law Institute, *In Modern Bondage: Sex Trafficking in the Americas*, DePaul University College of Law, DePaul, October 2002, 4, 47.

Education is free and compulsory through the sixth grade in Nicaragua. However, this provision is not enforced.²⁹¹⁹ In 2001, the gross and net enrollment rates for students in primary school were 104.7 and 81.9 percent, respectively, and the repetition rate for primary school was 6.7 percent.²⁹²⁰ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. That same year, the gross and net primary school attendance rates were 101.3 and 77.1 percent, respectively.²⁹²¹ As of 2000, 54.2 percent of children who started primary school were likely to reach grade 5.²⁹²² Only 29 percent of students in Nicaragua complete primary school, taking on average, 10.3 years to complete the required 6 grades.²⁹²³ In 2000, 49 percent of working children did not attend school.²⁹²⁴

Child Labor Laws and Enforcement

The Labor Code of 1996 sets the minimum age for employment at 14 years.²⁹²⁵ Under the Labor Code, adolescents cannot work over 6 hours a day or 30 hours a week.²⁹²⁶ Adolescents 14 to 16 years old cannot work without parental permission.²⁹²⁷ The Labor Code prohibits young people under the age of 18 from engaging in work that endangers their health and safety, such as work in mines, garbage dumps and night entertainment venues. Recent amendments to the Labor Code expand the list of conditions under which adolescents are forbidden to work and grant CNEPTI the authority to further amend the list.²⁹²⁸ It also prohibits any employment of adolescents that could adversely affect normal development or interfere with schooling.²⁹²⁹ On October 15, 2003, the 1996 Labor Code was amended in an effort to strengthen protections against hazardous child labor and harmonize Nicaraguan legislation with internationally accepted standards. The amendment eliminates the legal loophole that previously allowed children under 14 to work under special circumstances and strengthens provisions for adolescent workers. It also makes

²⁹¹⁹ *Constitución de Nicaragua*, (1987), Article 121; available from <http://www.georgetown.edu/pdba/Constitutions/Nica/nica87.html>. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 5.

²⁹²⁰ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

²⁹²¹ USAID Development Indicators Service, *Global Education Database*, [online] 2004 [cited October 10, 2004]; available from <http://quesdb.cdie.org/ged/index.html>.

²⁹²² Enrollment rates are slightly higher for females. The repetition rate is higher for males and the persistence rate to grade 5 is higher for females. See World Bank, *World Development Indicators 2004*.

²⁹²³ UNICEF, *At a glance: Nicaragua*, [on line] [cited May 20, 2004]; available from <http://www.unicef.org/infobycountry/nicaragua.html>.

²⁹²⁴ Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente en Nicaragua ENTIA 2000*, 18.

²⁹²⁵ *Código del Trabajo*, Ley. No. 185, Article 131; available from <http://natlex.ilo.org/txt/S96NIC01.htm#11t6c1>. See also *Código de la Niñez y la Adolescencia*, Ley. No. 287, (May 1998), Article 73; available from <http://www.asamblea.gob.ni/frameserviciosinformacion.htm>.

²⁹²⁶ *Código del Trabajo*, Article 134.

²⁹²⁷ U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

²⁹²⁸ *Código del Trabajo*, Article 133 and 36. See also U.S. Embassy- Managua, *unclassified telegram no. 3312*, October 2003.

²⁹²⁹ *Código del Trabajo*, Article 132.

obtaining permission to work more difficult for children ages 14 to 16 years, raises fines for violations, and gives inspectors the authority to close facilities that employ children.²⁹³⁰

The Child and Adolescent Code prohibits adolescents from engaging in work in unsafe places, work that endangers their life, health, or physical, psychological, or moral integrity, work in mines, underground, in garbage dumps, night clubs, work with dangerous or toxic objects, or night work in general. The Code also threatens sanctions for those who exploit children (and especially those who profit from the exploitation of children), reinforces restrictions against involving children under 14 years old in work, and reaffirms the responsibility of the Ministry of Labor to ensure compliance with these laws.²⁹³¹ The Interministerial Resolution to Establish Minimum Protection Standards for Work at Sea prohibits contracting children under 16 for investigation or other work in sea waters and work on vessels used for fishing, shipment, transport of passengers, and tourism. Another Ministerial Regulation prohibits contracting work with children under 14 years in the Free Trade Zones.²⁹³² The Constitution prohibits slavery and servitude and provides protection for youth from economic or social exploitation.²⁹³³ Title II, Chapter IV of the Criminal Code also prohibits forced labor and coercion of any kind.²⁹³⁴ Amendments to the Labor Code significantly raised penalties for violating child labor laws to between USD 5 to 15 times the average minimum wage in Nicaragua. As of May 2004, minimum wages were between 669 cordobas (USD 42) per month in agriculture to 1578 cordobas (USD 98) per month in banking and construction. After fining businesses in violation of child labor laws three times, inspectors have the authority to close offending businesses. Revenues for fines are assigned to CNEPTI.²⁹³⁵

Although prostitution is legal for persons 14 years and older, laws prohibit the promotion of prostitution. The Penal Code establishes a penalty of 4 to 8 years imprisonment for those found guilty of recruiting children under 16 years into prostitution and 12 years imprisonment for recruiting children under 12 years.²⁹³⁶ The Children and Adolescents' Code forbids any person from promoting, filming or selling child pornography.²⁹³⁷ The law specifically prohibits trafficking and imposes a penalty of up to 10 years imprisonment for those found in violation of the law.²⁹³⁸ The Public Prosecutor of the Republic is

²⁹³⁰ Articles 130 through 135 of the Labor Code were amended. See U.S. Embassy- Managua, *unclassified telegram no. 3312*. See also Santiago Alvira-Lacayo Nicaraguan Embassy Counselor, letter to USDOL official, August 16, 2004, 3. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

²⁹³¹ *Código de la Niñez y la Adolescencia*, Articles 26, 74, and 75.

²⁹³² Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente en Nicaragua ENTIA 2000*, 43. See also U.S. Embassy - Managua, to USDOL official, December 20, 2004.

²⁹³³ *Constitución de Nicaragua*, Articles 40, 84. Prohibitions against forced labor in the Constitution do not specifically address forced or bonded labor by children. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6c.

²⁹³⁴ Nicaraguan Embassy Counselor, letter, August 16, 2004, 5.

²⁹³⁵ U.S. Embassy Official, Email communication to USDOL official, November 1, 2004. See also U.S. Embassy- Managua, *unclassified telegram no. 3312*.

²⁹³⁶ U.S. Embassy Official, Email communication, November 1, 2004. See also U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

²⁹³⁷ The Republic of Nicaragua, *Código de la Niñez y la Adolescencia, Ley. No. 287, (May 1998)*, Article 69; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/65191/S98NIC01.htm>.

²⁹³⁸ U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

responsible for initiating criminal action for the crimes of rape, procuring and trading in persons, and sexual abuse of victims under 16 years old.²⁹³⁹

The government has a Child Labor Inspector's Office within the MOL's Inspector General's Office; however, the Office does not have its own inspectors. The country's 72 general inspectors and 18 hygiene and safety inspectors are responsible for carrying out regular inspections through out the country monitoring labor conditions and examining, among other violations, reports of child labor.²⁹⁴⁰ The Ministries of Family, Health, and Education are responsible for the creation and enforcement of policies against trafficking and other forms of commercial sexual exploitation.²⁹⁴¹ The Special Ombudsman for Children and Adolescents defends children's rights against violations by agents of the Judiciary System.²⁹⁴² Due to poverty, cultural norms that accept child work, and a lack of effective enforcement mechanisms, child labor laws are rarely enforced outside of the small formal sector.²⁹⁴³

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

Through the National Commission for the Eradication of Child Labor (CNEPTI), the Government of Nicaragua, in collaboration with international organizations, NGOs and the private sector, has a four-year strategic plan (2001-2005) for addressing child labor in the country and organized programs to eradicate child labor.²⁹⁴⁴ The government also has a National Council for the Integral Attention and Protection of Children and Adolescents (CONAPINA), which oversees the application of the Child and Adolescent Code,²⁹⁴⁵ directs National Plan Against the Commercial Sexual Exploitation of

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	11/2/1981	✓
Ratified Convention 182	11/6/2000	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

²⁹³⁹ *Penal Code*, Article 205; available from <http://209.190.246.239/protectionproject/statutesPDF/NicaraguaF.pdf>.

²⁹⁴⁰ U.S. Embassy- Managua, *unclassified telegram no. 2368*.

²⁹⁴¹ U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6f.

²⁹⁴² Nicaraguan Embassy Counselor, letter, August 16, 2004, 6.

²⁹⁴³ U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d.

²⁹⁴⁴ *Decreto núm. 43-2002 por el que se crea la Comisión Nacional para la Erradicación del Trabajo Infantil y Protección de Adolescentes Trabajadores, adscrita al Ministerio del Trabajo.*, (May 7, 2002); available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY. A National Network of Occupational Health Against Risky Child Labor provides technical support to CNEPTI. See Nicaraguan Embassy Counselor, letter, August 16, 2004, 7. See also CNEPTI, *Plan estratégico nacional para la prevención y erradicación del trabajo infantil*, 2. See also U.S. Embassy- Managua, *unclassified telegram no. 3312*.

²⁹⁴⁵ *Ley núm. 351 de organización del Consejo Nacional de atención y protección integral a la niñez y la adolescencia y la Defensoría de las niñas, niños y adolescentes*, (May 29, 2000); available from http://ilis.ilo.org/cgi-bin/gpte/stbna/natlexe?wq_fld=B380&wq_val=Nicaragua&wq_rel=AND&wq_fld=B250&wq_val=adolescencia&wq_rel=AND&wq_fld=B520&wq_val=&wq_rel=AND&wq_fld=B500&wq_val=&wq_rel=AND&wq_fld=B380&wq_val=. See also Xanthis Suarez Garcia, *Labor de CONAPINA en el 2002*, in *Bolsa de Mujeres*, [database online] December 23, 2002 [cited June 3, 2004]; available from <http://www.grupoese.com.ni/2002/bm/ed71/conapina70.htm>.

Children (2003-2008) and participates in an Alliance against Trafficking. The Alliance against Trafficking includes the Ministry of State, the Ministry of the Family, Legislative Assembly and other organizations.²⁹⁴⁶ The Ministry of Family has consolidated its work with urban youth at risk under the Program for Children and Adolescents at Risk (PAINAR), and coordinates the Social Protection Network for disadvantaged rural youth.²⁹⁴⁷

The Ministry of Family provides support to children and adolescents who have been victims of commercial sexual exploitation in Managua.²⁹⁴⁸ The Ministry of Labor has signed agreements with owners of nightclubs and restaurants pledging to comply with labor laws.²⁹⁴⁹ The Government is also implementing an awareness campaign specifically for border police and immigration officials, and has an Anti-Trafficking in Persons Unit within the police.²⁹⁵⁰ In July 2004, a Trafficking in Persons Office opened within the Ministry of Government. It is intended to serve as a reference library and a primary point of contact for actors in the anti-trafficking campaign.²⁹⁵¹

The Ministry of Labor and Ministry of Education, Culture and Sport (MECD) works with ILO-IPEC to carry out several USDOL-funded projects to eliminate child labor. These projects include programs for children working in commercial sexual exploitation,²⁹⁵² on coffee farms,²⁹⁵³ in farming, stockbreeding, and agriculture,²⁹⁵⁴ and as garbage scavengers.²⁹⁵⁵ Nicaragua is also participating in ILO-IPEC projects funded by the Canadian government, including two projects targeting children engaged in domestic child labor.²⁹⁵⁶ In 2004, USDOL funded a USD 5.5 million project implemented by CARE-USA to combat exploitive child labor through education in Central America and the Dominican Republic.²⁹⁵⁷

²⁹⁴⁶ CONAPINA, "Plan Nacional Contra La Explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008," (November 2003). See also ILO-IPEC, "Stop the Exploitation" ("Alto a la explotación") *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, March 2004, 3.

²⁹⁴⁷ U.S. Embassy- Managua, *unclassified telegram no. 3312*.

²⁹⁴⁸ Nicaraguan Embassy Counselor, letter, August 16, 2004, 6.

²⁹⁴⁹ The Ministry reports to conduct inspections several times a year to ensure that strip clubs do not employ underage workers. See U.S. Department of State, *Country Reports- 2003: Nicaragua*, Section 6d, 6f.

²⁹⁵⁰ The Women's Commission of the Police is implementing a nationwide trafficking awareness campaign in high schools on the dangers of trafficking. See *Ibid.*, Section 6f.

²⁹⁵¹ U.S. Embassy- Managua, *unclassified telegram no. 2362*, August 2004.

²⁹⁵² ILO-IPEC, "Stop the Exploitation," *technical progress report*, March 2004.

²⁹⁵³ This project closed in June 2004. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in the Coffee Industry in Nicaragua (Phase I)*, technical progress report, NIC/99/05/P050, March 2004.

²⁹⁵⁴ ILO-IPEC, *Combating Child Labor in the Commercial Agriculture Sector in Central America and the Dominican Republic*, technical progress report, RLA/00/P54/USA, ILO-IPEC, Geneva, March 2004.

²⁹⁵⁵ ILO-IPEC, *Elimination of Child Labor in the Dump Yard of Managua, Acahualinca's Neighborhood "La Chureca" (Phase I)*, technical progress report, NIC/00/50P/USA, Geneva, March 2004. USDOL funds another project for children working as scavengers through Winrock International's Circle Project. See U.S. Embassy- Managua, *unclassified telegram no. 2368*.

²⁹⁵⁶ ILO-IPEC - Geneva official, email communication to USDOL official, May 12, 2004.

²⁹⁵⁷ U.S. Department of Labor, *News Release: United States Provides over \$110 Million in Grants to Fight Exploitative Child Labor Around the World*, October 1, 2004.

The MECD is implementing a 15-year National Education Plan. The plan outlines strategies for general improvements to the quality of education including strategies for making education more equitable and reaching out to particularly vulnerable children.²⁹⁵⁸ Nicaragua's Extra Edad program targets children over 14 years old who wish to complete primary school.²⁹⁵⁹ A Bilingual Education program supports students at 120 schools.²⁹⁶⁰ The Ministry also implements a special education program, a long-distance radio learning program and a program for the prevention of school violence.²⁹⁶¹ International organizations and donors such as USAID, the World Bank, UNICEF, and the WFP also support education projects in Nicaragua.²⁹⁶² The Government of Nicaragua is receiving funding from the World Bank and other donors under the Education for All Fast Track Initiative, which aims to provide all children with a primary school education by the year 2015.²⁹⁶³

²⁹⁵⁸ The Ministry of Education, Sport, and Culture, *Plan Nacional de Educación*, Managua, 2000, [cited October 16, 2003]; available from <http://www.mecd.gob.ni/plannac.asp>. No longer available online. Hardcopy on file. See also ILO-IPEC, "Stop the Exploitation," *technical progress report*, March 2004, 13. Budget constraints have prevented sufficient funding for children's programs and primary education. See also Ministry of Labor, ILO-IPEC, and CNEPTI, *Encuesta Nacional de Trabajo Infantil y Adolescente en Nicaragua ENTIA 2000*, 47-48.

²⁹⁵⁹ Classes are offered after work to accommodate students' work schedule. See Drusilla K. Brown, *Child Labor in Latin America: Policy and Evidence*, Working Paper, Department of Economics at Tufts University, Medford, MA, February, 2001, 17.

²⁹⁶⁰ Ministry of Public Education, *Bilingue Intercultural*, Managua, no date given.

²⁹⁶¹ Ministerio de Educación Cultura y Deportes, *Educación Especial: Introducción*, Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from <http://www.mecd.gob.ni/espec1.asp>. See also Ministerio de Educación Cultura y Deportes, *Nueva Opción: Enseñanza Radiofónica*, Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from <http://www.mecd.gob.ni/radiof4.asp>. See also Ministerio de Educación Cultura y Deportes, *Programa de Prevención de Violencia en Comunidades Escolar*, Derechos Reservados, [online] 2004 [cited May 20, 2004]; available from <http://www.mecd.gob.ni/vida4.asp>.

²⁹⁶² USAID, *Nicaragua: USAID Program Profile*, USAID, [online] June 29, 2004 [cited October 25, 2004]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/nicaraguaprofile.html. See also The World Bank Group, "Nicaragua: Country Assistance Strategy," (Washington, D.C.), March 13, 2003; available from <http://lnweb18.worldbank.org/external/lac/lac.nsf/0/4751254F621B340585256CE7007990F2?OpenDocument>. See also The World Bank Group, *Nicaragua - Poverty Reduction Support Credit (PRSC I)*, in *Projects and Programs*, [online] 2004 [cited May 20, 2004]; available from http://www-wds.worldbank.org/servlet/WDS_IBank_Servlet?pcont=details&eid=000104615_20031106090911. See also UNWire, "UNICEF Expands Its \$2.1 Million Healthy Schools Initiative", [online], February 21, 2003 [cited May 26, 2004]; available from http://www.unwire.org/unwire/20030221/32170_story.asp. See also UNWire, "Nicaragua: UNICEF-Funded Program Launched to Promote Child Rights", [online], February 7, 2002 [cited May 26, 2004]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=23665. See also UNWire, "WFP, Government Work To Keep Children In School", [online], March 20, 2003 [cited May 26, 2004]; available from http://www.unwire.org/unwire/20030320/32697_story.asp.

²⁹⁶³ The World Bank Group, *EFA-FTI Catalytic Fund Progress Report*, April 23, 2004. See also World Bank, *World Bank Announces First Group Of Countries For 'Education For All' Fast Track*, press release, Washington, D.C., June 12, 2002; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20049839~menuPK:34463~pagePK:34370~piPK:34424,0.html>.