

Nicaragua

Selected Statistics and Indicators on Child Labor

Percent of children 6-14 estimated as working in 2001:	10.9% ³⁰⁵⁹
Minimum age for admission to work:	14 ³⁰⁶⁰
Age to which education is compulsory:	12 ³⁰⁶¹
Free public education:	Yes ³⁰⁶²
Gross primary enrollment rate in 2004:	112% ³⁰⁶³
Net primary enrollment rate in 2004:	88% ³⁰⁶⁴
Percent of children 6-14 attending school in 2001:	85% ³⁰⁶⁵
As of 2003, percent of primary school entrants likely to reach grade 5:	59% ³⁰⁶⁶
Ratified Convention 138:	11/2/1981 ³⁰⁶⁷
Ratified Convention 182:	11/6/2000 ³⁰⁶⁸
ILO-IPEC participating country:	Yes ³⁰⁶⁹

Incidence and Nature of Child Labor

In 2001, approximately 15.7 percent of boys and 5.8 percent of girls ages 6 to 14 were working in Nicaragua. The majority of working children were found in the agricultural sector (62.5 percent), followed by services (31.8 percent), manufacturing (5.3 percent), and other sectors (0.4 percent).³⁰⁷⁰ Children work in the production of such crops as coffee, corn, sugar, and

³⁰⁵⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

³⁰⁶⁰ U.S. Department of State, "Nicaragua," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78899.htm>. See also *Ley núm. 474 por la que se dicta la Ley de reforma al Título VI, Libro Primero del Código de Trabajo*, (October 21, 2003), Article 2; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=67286.

³⁰⁶¹ Government of Nicaragua, *Constitución de Nicaragua*, (1987, with 1995 reforms), Article 121; available from <http://www.georgetown.edu/pdba/Constitutions/Nica/nica95.html>. See also U.S. Embassy- Managua, *reporting*, December 19, 2006.

³⁰⁶² Government of Nicaragua, *Constitución de Nicaragua*, Article 121. See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5.

³⁰⁶³ UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

³⁰⁶⁴ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org>.

³⁰⁶⁵ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁰⁶⁶ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

³⁰⁶⁷ ILOLEX, *C138 Minimum Age Convention, 1973*, accessed October 12, 2006; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=4971&chapter=19&query=C138%40ref&highlight=&querytype=bool>.

³⁰⁶⁸ ILOLEX, *C182 Worst Forms of Child Labour Convention, 1999*, accessed October 12, 2006; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=6834&chapter=19&query=C182%40ref&highlight=&querytype=bool>.

³⁰⁶⁹ ILO-IPEC, *IPEC Action Against Child Labour Highlights 2006*, Geneva, February, 2007; available from http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf.

³⁰⁷⁰ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

tobacco.³⁰⁷¹ Children also work in street sales and personal services, such as domestic service in third-party homes. They can also be found working in markets, restaurants and hotels. A small percentage of children engage in mining, stone quarrying, construction, and transport.³⁰⁷² The majority of children work in the informal sector, and some are engaged in garbage dump scavenging.³⁰⁷³

Child prostitution and sex tourism are problems in Nicaragua.³⁰⁷⁴ Nicaragua is a source and transit country for children trafficked for sexual exploitation.³⁰⁷⁵ Children are trafficked within Nicaragua from rural to urban areas.³⁰⁷⁶ Children from poor rural areas between the ages of 13 and 18 are among the most vulnerable to trafficking.³⁰⁷⁷ The most prevalent form of internal trafficking is believed to be the commercial sexual exploitation of minors.³⁰⁷⁸ Children are also trafficked from Nicaragua to other parts of Central America to work in bars and nightclubs, with Guatemala as the primary destination for girls engaged in prostitution.³⁰⁷⁹

Child Labor Laws and Enforcement

The law sets the minimum age for employment at 14 years.³⁰⁸⁰ A ministerial resolution also specifically prohibits children under 14 from work in export processing zones, while another prohibits contracting children under 16 for work at sea.³⁰⁸¹

Children 14 to 16 years cannot work without parental permission.³⁰⁸³ Adolescents 14 to 18 cannot work more than 6 hours a day or 30 hours a week. Adolescents are also prohibited from engaging in work that endangers their health and safety, such as work in mines, garbage dumps, and night entertainment venues, and work that may interfere with schooling.³⁰⁸⁴ The law provides for fines for violations of child labor laws. The National Commission for the Progressive Eradication of Child Labor and Protection of the Young Worker (CNEPTI) receives revenues from fines.³⁰⁸⁵

³⁰⁷¹ U.S. Embassy- Managua, *reporting, December 19, 2006*.

³⁰⁷² Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey in Nicaragua*, April 2003, 29. See also U.S. Embassy- Managua, *reporting, December 19, 2006*. See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 6d.

³⁰⁷³ U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 6d.

³⁰⁷⁴ *Ibid.*, section 6d. See also U.S. Department of State, "Nicaragua (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>. See also U.S. Embassy- Managua, *reporting, March 27, 2007*.

³⁰⁷⁵ U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5.

³⁰⁷⁶ U.S. Department of State, "Trafficking in Persons Report- 2006: Nicaragua."

³⁰⁷⁷ U.S. Embassy- Managua, *reporting, March 27, 2007*.

³⁰⁷⁸ U.S. Department of State, "Trafficking in Persons Report- 2006: Nicaragua."

³⁰⁷⁹ *Ibid.* See also U.S. Embassy- Managua, *reporting, March 27, 2007*.

³⁰⁸⁰ *Ley núm. 474*, Article 2. See also *Código de la Niñez y la Adolescencia, Ley. No. 287*, (May 1998), Article 73; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/55822/66754/S98NIC01.htm>.

³⁰⁸¹ Ministry of Labor, ILO-IPEC, and CNEPTI, *National Report on the Results of the Child and Adolescent Labour Survey*, 17.

³⁰⁸³ U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 6d.

³⁰⁸⁴ *Ley núm. 474*, Articles 3-5.

³⁰⁸⁵ U.S. Embassy- Managua, *reporting, December 19, 2006*. See also *Ley núm. 474*, Article 6. See also NATLEX, *Decreto núm. 22-97 de creación de la Comisión Nacional para la erradicación progresiva del trabajo infantil y la protección del menor trabajador*, 1997; available from

The Constitution prohibits forced labor, slavery, and indentured servitude, although children are not specifically mentioned.³⁰⁸⁶ The Constitution was amended in 1995 to prohibit military conscription. The minimum legal age for entry into the armed forces is unclear.³⁰⁸⁷

Prostitution is legal for individuals 14 years and older, but the promotion and procurement of prostitution is prohibited by law. The law establishes a penalty of 4 to 8 years of imprisonment for those found guilty of recruiting children under 16 years into prostitution, and 12 years of imprisonment for recruiting children under 12 years.³⁰⁸⁸ Promoting, filming, or selling child pornography is prohibited.³⁰⁸⁹ The government has approved a law calling for the criminalization of sex tourism, which imposes a penalty of imprisonment of 5 to 7 years for convicted offenders.³⁰⁹⁰ Trafficking in persons is penalized with 4 to 10 years of imprisonment.³⁰⁹¹

The Ministry of Labor is responsible for enforcing child labor laws.³⁰⁹² Within the Ministry of Labor's Inspector General's Office, there is a Child Labor Inspector's Office; however, the Office does not have its own inspectors.³⁰⁹³ The country's 72 general inspectors and 18 hygiene and safety inspectors are responsible for carrying out regular inspections throughout the country to monitor labor conditions, including child labor violations.³⁰⁹⁴ The Ministry of Government is responsible for law enforcement in the country, operates an anti-trafficking office, and leads the National Coalition against Trafficking in Persons.³⁰⁹⁵ The Office of the National Prosecutor, through its specialized Women and Children's unit, is responsible for prosecuting trafficking cases.³⁰⁹⁶ The Office of the Human Rights Prosecutor also has separate Special Prosecutors for Women, Children, and Adolescents who investigate trafficking cases.³⁰⁹⁷ However, the U.S. Department of State notes that the laws addressing trafficking in persons do not protect all

http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_country=NIC&p_classification=04&p_origin=COUNTRY.

³⁰⁸⁶ *Constitución Política de la República de Nicaragua* (1987, with 1995, 2002 and 2005 reforms), Articles 40-44; available from <http://pdba.georgetown.edu/Constitutions/Nica/nica05.html>. See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 6c.

³⁰⁸⁷ Coalition to Stop the Use of Child Soldiers, "Nicaragua," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=833.

³⁰⁸⁸ *Código Penal de la República de Nicaragua*, (1974); available from http://www.unifr.ch/derechopenal/legislacion/ni/cp_nicaragua3.pdf. See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Sections 5 and 6d.

³⁰⁸⁹ *Código de la Niñez y la Adolescencia*, Article 69.

³⁰⁹⁰ U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5.

³⁰⁹¹ *Código Penal*, Article 203.

³⁰⁹² Ministry of Labor, *Política Institucional*, [online] [cited August 16, 2006]; available from <http://www.mitrab.gob.ni/mision.html>. See also U.S. Department of State, "Nicaragua," in *Country Reports on Human Rights Practices- 2005*, Washington, DC, March 8, 2006, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2005/61734.htm>.

³⁰⁹³ U.S. Embassy- Managua, *reporting, August 12, 2004*.

³⁰⁹⁴ *Ibid.*

³⁰⁹⁵ U.S. Embassy- Managua, *reporting*, July 26, 2005. See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5.

³⁰⁹⁶ U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5. See also U.S. Embassy- Managua, *reporting, March 27, 2007*.

³⁰⁹⁷ U.S. Embassy- Managua, *reporting, March 27, 2007*.

adolescents under 18 years and that government progress in victim assistance, protection and prosecution of traffickers was limited. In addition, the deficit of data collection and registration of trafficking of persons cases and loose immigration controls between the borders of Nicaragua, El Salvador, Honduras, and Guatemala further weaken government efforts to pursue enforcement actions against traffickers effectively.³⁰⁹⁸

In October 2006, the Ministry of Labor published the government's annual list of 49 types of work that are harmful to the health, safety, and morals of children, as required under ILO Convention 182.³⁰⁹⁹

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

On April 4, 2006, the government's Policy on Special Protection for Children and Adolescents was enacted. The policy includes special protections for victims of commercial sexual exploitation and trafficking in persons.³¹⁰⁰ The government's National Council for the Integral Attention and Protection of Children and Adolescents is responsible for a 5-year National Plan against the Commercial Sexual Exploitation of Children (2003-2008) and a 10-year National Action Plan for Children and Adolescents.³¹⁰¹

Through June of 2006, the Government of Nicaragua participated in a 3-year, USD 3 million USDOL-funded ILO-IPEC Central America regional project to combat hazardous child labor in agriculture. At the regional level, the project withdrew 2,309 children from hazardous agriculture and prevented 2,693 others from becoming engaged in similar activities.³¹⁰² The government continues to participate in a 4-year, USD 8.4 million regional project to combat the commercial sexual exploitation of children. The project aims to withdraw and prevent 580 children from commercial sexual exploitation in Nicaragua.³¹⁰³ The government also participated in a USD 500,000 ILO-IPEC project to combat child domestic work funded by the Government of the Netherlands, which ended in February 2006.³¹⁰⁴ As part of an effort to build

³⁰⁹⁸ U.S. Department of State, "Trafficking in Persons Report- 2006: Nicaragua." See also U.S. Embassy- Managua, *reporting, March 27, 2007*.

³⁰⁹⁹ U.S. Embassy- Managua, *reporting, March 27, 2007*.

³¹⁰⁰ 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 - 05/52/USA, September 13, 2006, 2.

³¹⁰¹ U.S. Embassy- Managua, *reporting, December 19, 2006*. See also CONAPINA, *Plan Nacional Contra La Explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008*, November 2003. See also UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3) Formulated by the Committee on the Rights of the Child in Connection with Consideration of the Third Periodic Report of Nicaragua (CRC/C/125/Add.3)*, CRC/C/RESP/83, prepared by Government of Nicaragua, pursuant to Article 44 of the Convention on the Rights of the Child, April 18 2005, 54; available from [http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3faa16ea862e67b2c125701f00457e2f/\\$FILE/CRC_C_RESP_83\(E\).doc](http://www.unhchr.ch/tbs/doc.nsf/898586b1dc7b4043c1256a450044f331/3faa16ea862e67b2c125701f00457e2f/$FILE/CRC_C_RESP_83(E).doc).

³¹⁰² ILO-IPEC, *Prevention and Progressive Elimination of Child Labour in Agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, RLA/03/P50/USA, September 17, 2003. See also USDOL, *ILAB Technical Cooperation Project Summary: Prevention and Progressive Elimination of Child Labor in Agriculture in Central America, Panama and the Dominican Republic (Phase II)*.

³¹⁰³ ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, addendum, Geneva, September 2005.

³¹⁰⁴ ILO-IPEC official, E-mail communication to USDOL official, November 8, 2005.

capacity to improve labor law compliance among the CAFTA-DR partners, USDOL is providing USD 2.85 million for a project to strengthen outreach efforts in the agriculture sector in the region, where child labor is a serious problem.³¹⁰⁵

In coordination with the Nicaraguan government, CARE-USA is implementing a USD 5.5 million regional project funded by USDOL to combat exploitive child labor through the provision of quality basic education. The project aims to withdraw and prevent 2,984 children and adolescents from exploitive child labor in the region.³¹⁰⁶ The government also implements a project to prevent and eradicate child labor in small-scale mining, and another to combat child labor in the tobacco-growing sector.³¹⁰⁷

Through its Program for Children and Adolescents at Risk, the Ministry of Family works to remove children from work, provide counseling to children and their families, and coordinate with other government agencies, the police, and NGOs to provide services.³¹⁰⁸ The ministry also operates a "traffic lights" project to assist children who perform odd jobs around traffic intersections.³¹⁰⁹ In addition, the Ministry is responsible for the operation of a shelter that provides services to minor victims of commercial sexual exploitation, and a national hotline for victims of abuse and exploitation.³¹¹⁰

The Ministries of Government, Education, Tourism, and the Women's Division of the National Police continued to implement trafficking awareness campaigns specifically for border police, immigration officials, students, teachers, the press and the tourism industry.³¹¹¹ The government also sponsored an education program in the city of Granada with the Ministry of Tourism to train hotel owners and taxi drivers to discourage the commercial sexual exploitation of children.³¹¹² Also, the Nicaraguan branch of INTERPOL collaborates with its counterparts in Guatemala, El Salvador, and in other countries in the region.³¹¹³

³¹⁰⁵ Social Accountability International, *Project CULTIVAR: Advancing Labor Rights in Agriculture in Central America*, project document, New York, August 8, 2007.

³¹⁰⁶ CARE USA, *APRENDO Project: Combating Exploitive Child Labor Through Education in Central America (Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua) and the Dominican Republic*, project document, 2004.

³¹⁰⁷ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.

³¹⁰⁸ U.S. Embassy- Managua, *reporting*, July 26, 2005.

³¹⁰⁹ UN Committee on the Rights of the Child, *Written Replies by the Government of Nicaragua Concerning the List of Issues (CRC/C/Q/NIC/3)*, 56.

³¹¹⁰ U.S. Department of State, "Trafficking in Persons Report- 2006: Nicaragua." See also U.S. Embassy- Managua, *reporting*, March 27, 2007.

³¹¹¹ U.S. Department of State, "Trafficking in Persons Report- 2006: Nicaragua." See also U.S. Department of State, "Country Reports- 2006: Nicaragua," Section 5.

³¹¹² U.S. Embassy- Managua, *reporting*, March 27, 2007.

³¹¹³ Ibid.