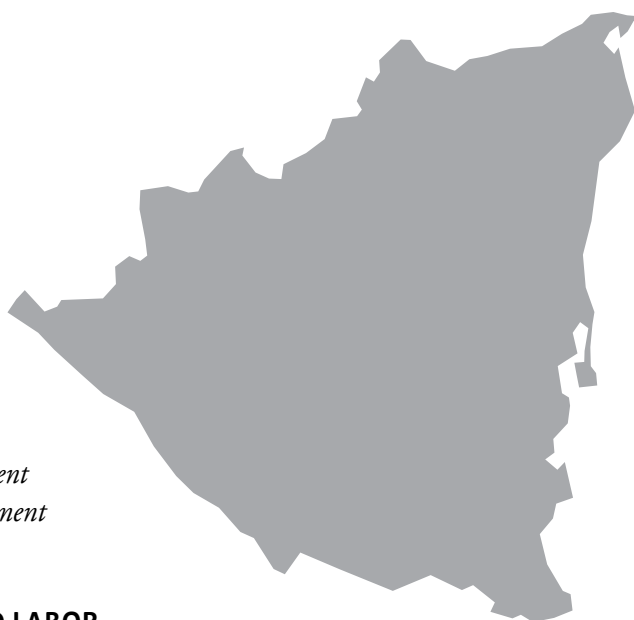


In 2017, Nicaragua made a minimal advancement in efforts to eliminate child labor. The government found child labor infractions and removed children from worksites. It initiated prosecutions of cases of commercial sexual exploitation of children and sentenced two individuals for child pornography charges. However, children in Nicaragua engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture. National policies to eliminate child labor and protect children have not been fully implemented, and the government lacks a specific and consistent mechanism to coordinate efforts to address child labor. In addition, the government does not dedicate adequate resources to labor enforcement on child labor and does not publish complete criminal law enforcement data on child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Nicaragua engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture. (1; 2; 3) Table 1 provides key indicators on children's work and education in Nicaragua.

Table 1. Statistics on Children's Work and Education

Children	Age	Percent
Working (% and population)	10 to 14	47.7 (342,076)
Attending School (%)	10 to 14	88.3
Combining Work and School (%)	10 to 14	40.3
Primary Completion Rate (%)		85.4

Source for primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2018. (4)

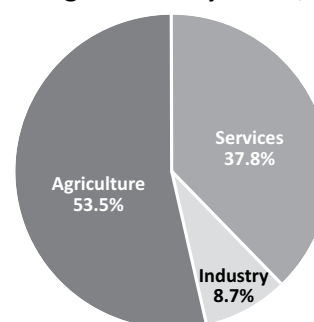
Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta Continua de Hogares (ECH) Survey, 2012. (5)

Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

Table 2. Overview of Children's Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Harvesting coffee, bananas, tobacco,† and sugarcane (1; 6; 7; 8; 9; 3)
	Raising livestock (10; 11)
	Collecting shellfish† (10; 12)
Industry	Construction,† including transporting materials (10; 11)
	Quarrying† of pumice and limestone, and mining† of gold (10; 3; 13)
	Production of gravel (crushed stones)† (14; 15; 16; 17)
Services	Domestic work (10; 6)
	Work in transportation† and as couriers† (10)
	Street work, including vending,† washing car windshields, and performing at stoplights† (18; 19; 20; 21; 10; 3)
	Garbage scavenging† (20; 22)
Categorical Worst Forms of Child Labor‡	Commercial sexual exploitation, sometimes as a result of human trafficking, and use in the production of pornography (2; 23; 10)
	Domestic work as a result of human trafficking (24; 25)

Figure 1. Working Children by Sector, Ages 10-14



Nicaragua

MINIMAL ADVANCEMENT

Table 2. Overview of Children’s Work by Sector and Activity (cont)

Sector/Industry	Activity
Categorical Worst Forms of Child Labor [†]	Forced begging, sometimes as a result of human trafficking (25)

[†] Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

[‡] Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.




In Nicaragua, children are subjected to commercial sexual exploitation, particularly in Granada, Managua, the Caribbean autonomous regions, and San Juan del Sur. (23; 26) Children in Nicaragua who lack identification documents, sometimes due to a lack of birth registration, may not have access to social services and are at an increased risk of human trafficking and commercial sexual exploitation. (11) An estimated 15 percent of children born in Nicaragua lack birth certificates. (27) Although the government’s birth registration campaign is advancing, it does not reach all children, especially in remote areas. (28; 29; 30)

Education is free and compulsory in Nicaragua; however, costs associated with school supplies and transportation make it difficult for some children, particularly those from poor backgrounds and rural areas, to attend school. (31; 32; 33) Some sources indicate that investment in secondary schools has lagged behind investment in primary schools and that secondary school attendance remains low, increasing the risk that older children engage in exploitative work. (1; 34; 33)

II. LEGAL FRAMEWORK FOR CHILD LABOR

Nicaragua has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Nicaragua’s legal framework to adequately protect children from the worst forms of child labor, including the compulsory education age.

Table 4. Laws and Regulations on Child Labor

Standard	Meets International Standards: Yes/No	Age	Legislation
Minimum Age for Work	Yes	14	Article 131 of the Labor Code; Article 73 of the Childhood and Adolescence Code; Article 84 of the Constitution (35; 36; 37; 38)
Minimum Age for Hazardous Work	Yes	18	Articles 130 and 133 of the Labor Code; Article 1 of Ministerial Agreement No. JCHG-08-06-10; Articles 2 and 74 of the Childhood and Adolescence Code (35; 36; 37; 39)
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Articles 1–7 of Ministerial Agreement No. JCHG-08-06-10; Article 133 of the Labor Code (35; 39)
Prohibition of Forced Labor	Yes		Article 40 of the Constitution; Articles 61–63 of the Law Against Trafficking in Persons; Articles 182–183, and 315 of the Penal Code (38; 40; 41)
Prohibition of Child Trafficking	Yes		Articles 61–63 of the Law Against Trafficking in Persons; Articles 182–183 and 315 of the Penal Code (40; 41)

Table 4. Laws and Regulations on Child Labor (cont)

Standard	Meets International Standards: Yes/No	Age	Legislation
Prohibition of Commercial Sexual Exploitation of Children	Yes		Article 61 of the Law Against Trafficking in Persons; Articles 175–183 of the Penal Code; Articles 5 and 26 of the Childhood and Adolescence Code (37; 40; 41)
Prohibition of Using Children in Illicit Activities	Yes		Article 61 of the Law Against Trafficking in Persons; Articles 358–359 and 362 of the Penal Code; Article 71 of Law 285 (Reform to the Narcotics Law); Article 79 of the Childhood and Adolescence Code (37; 40; 41; 42)
Prohibition of Military Recruitment			
State Compulsory	N/A*		Article 96 of the Constitution (38)
State Voluntary	Yes	18	Annex 1 of the Code on the Organization, Jurisdiction, and Social Welfare of the Military (43)
Non-state	Yes		Article 509 of the Penal Code; Article 95 of the Constitution (38; 40)
Compulsory Education Age	No	12‡	Article 121 of the Constitution; Articles 19 and 23 of the Education Law; Article 43 of the Childhood and Adolescence Code (37; 38; 44)
Free Public Education	Yes		Article 121 of the Constitution; Articles 8, 19, and 23 of the Education Law; Article 43 of the Childhood and Adolescence Code (37; 38; 44)

* No conscription (38)

‡ Age calculated based on available information (37; 38; 44)

Nicaraguan law is not clear regarding the age up to which education is compulsory. Article 121 of the Constitution states that primary school education is compulsory, but it does not specify an age. (38) Under Articles 19 and 23 of the Education Law, education is compulsory only through the sixth grade, which it specifies is up to age 12 and the end of primary school. (44) Article 43 of the Childhood and Adolescence Code states that both primary and secondary school education are compulsory, suggesting up to age 17, but it does not specifically state an age. (37) The lack of clarity regarding the age up to which education is compulsory and the potential gap between the compulsory education age and the minimum age for work may leave children vulnerable to child labor, including its worst forms. (1)

III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of the Ministry of Labor (MITRAB) that may hinder adequate enforcement of their child labor laws.

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor (MITRAB)	Enforce labor laws and set child labor policy priorities. Conduct labor inspections through its General Labor Inspectorate, and conduct child labor inspections through its Child Labor Inspections Unit. (45) Conduct training on child labor issues and inspections. Maintain a mailbox in each of Nicaragua's 17 departments to receive complaints of child labor violations. (45)
Nicaraguan National Police (NNP)	Address cases of child labor and human trafficking through the Police Intelligence Unit, which detects crimes, and the Special Crimes Unit, which investigates crimes. Maintain a hotline for reporting violations of children's rights. (45; 46)
Ministry of Governance	Coordinate participation between MITRAB and the NNP in labor inspections in which employers resist inspection. (45)
Prosecutor General's Office	Prosecute cases of child trafficking, commercial sexual exploitation, and the use of children in illicit activities. Contains 2 national-level and 35 department-level prosecutors who prosecute these and other crimes. (45)
Human Rights Attorney for Children	Assist in the enforcement of laws related to child labor and hazardous child labor. (45)
Ministry of the Family, Adolescence, and Childhood (MIFAN)	Maintain a hotline for receiving reports on human trafficking and commercial sexual exploitation. Assist in providing officials with training on child labor violations. (47)

Nicaragua

MINIMAL ADVANCEMENT

Labor Law Enforcement

In 2017, labor law enforcement agencies in Nicaragua took actions to combat child labor (Table 6). However, gaps exist within the operations of MITRAB that may hinder adequate labor law enforcement, including resource allocation.

Table 6. Labor Law Enforcement Efforts Related to Child Labor

Overview of Labor Law Enforcement	2016	2017
Labor Inspectorate Funding	Unknown*	\$1,345,368 (10)
Number of Labor Inspectors	133 (48)	97 (10)
Inspectorate Authorized to Assess Penalties	Yes (35; 49)	Yes (10)
Training for Labor Inspectors		
Initial Training for New Employees	Unknown*	Yes (10)
Training on New Laws Related to Child Labor	N/A	Yes (10)
Refresher Courses Provided	Yes (49)	Unknown* (10)
Number of Labor Inspections Conducted	14,605 (49)	13,617 (10)‡
Number Conducted at Worksites	Unknown	13,617 (10)
Number of Child Labor Violations Found	475 (49)	395 (10)
Number of Child Labor Violations for Which Penalties were Imposed	Unknown	Unknown* (10)
Number of Child Labor Penalties Imposed that were Collected	Unknown	Unknown* (10)
Routine Inspections Conducted	Yes (49)	Yes (10)
Routine Inspections Targeted	Yes (49)	Yes (10)
Unannounced Inspections Permitted	Yes (50)	Yes (10)
Unannounced Inspections Conducted	Unknown	Yes (10)
Complaint Mechanism Exists	Yes (49)	Yes (10)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (49)	Yes (10)

* The government does not publish this information.

‡ Data are from January 2017 to October 2017.

Insufficient resources hinder MITRAB's capacity to enforce child labor laws. (51; 10) The number of labor inspectors is likely insufficient for the size of Nicaragua's workforce, which includes approximately 3 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in industrializing economies, Nicaragua would employ about 203 inspectors. (52; 53; 54) In Nicaragua, many work in the informal sector and in rural areas; 97 labor inspectors is inadequate to cover the country's vulnerabilities to and magnitude of labor violations. (10)

Between January and October 2017, MITRAB conducted 13,617 labor inspections, of which 1,544 were specific to child labor. (10) The government reported finding 395 child labor infractions from these inspections. As a result, MITRAB removed 18 children from worksites. (10) NGOs found this number low compared to the severity of the problem. (10) Government officials and NGOs have reported that child labor inspections throughout the country, particularly in agricultural areas, are limited due to personnel constraints as well as insufficient transportation and other resources. (46)

Criminal Law Enforcement

In 2017, criminal law enforcement agencies in Nicaragua took actions to combat child labor (Table 7). However, gaps exist within the operations of the criminal enforcement agencies that may hinder adequate criminal law enforcement, including a lack of publicly available enforcement data to inform monitoring and investigations of the worst forms of child labor.

Table 7. Criminal Law Enforcement Efforts Related to Child Labor

Overview of Criminal Law Enforcement	2016	2017
Training for Investigators		
Initial Training for New Employees	Unknown	Unknown* (10)
Training on New Laws Related to the Worst Forms of Child Labor	N/A	Unknown* (10)

Table 7. Criminal Law Enforcement Efforts Related to Child Labor (cont)

Overview of Criminal Law Enforcement	2016	2017
Refresher Courses Provided	Yes (55)	Unknown* (10)
Number of Investigations	Unknown	Unknown* (10)
Number of Violations Found	Unknown	Unknown* (10)
Number of Prosecutions Initiated	Unknown	12 (10)
Number of Convictions	2 (49)	2 (10)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (47; 49)	Yes (10)

* The government does not publish this information. (10)

Research did not find the number of criminal investigators employed by the Nicaraguan National Police or Prosecutor General's Office during the reporting period. Other key enforcement information was similarly not published. (10) NGOs have reported that criminal law enforcement efforts related to the worst forms of child labor do not adequately address the scope of the problem. (55) NGOs have also indicated that criminal law enforcement agencies lack sufficient financial resources to adequately carry out criminal investigations. (55; 56)

The Prosecutor General's Office initiated 12 prosecutions in 2017 on counts of sexual exploitation, pornography, and prostitution of minors. Two individuals were sentenced in 2017 for child pornography charges. (10) The first individual was sentenced to 6 years for possession of child pornography, and the second individual was sentenced to 1 year for selling child pornography. According to NGOs, these numbers are low compared to the prevalence of the crime. (10)

IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that hinder the effective coordination of efforts to address child labor, including financial resources.

Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role and Description
National Social Welfare System (SNBS)	Coordinate efforts on child labor and ensure that government institutions protect the rights of children and provide social services to them as part of its mandate to assist the Nicaraguan population. Comprises various government ministries, including MITRAB, MIFAN, the Ministry of Education (MINED), the Ministry of Health (MINSAL), and the Ministry of Governance. (51)
National Coalition Against Trafficking in Persons (CNCTP)	Coordinate efforts to address human trafficking for labor and commercial sexual exploitation. Led by the Ministry of Governance and comprises law enforcement agencies, the Supreme Court of Justice, and NGOs. (26)
Ministry of the Family, Adolescence, and Childhood (MIFAN)	Maintain a guide for the provision of assistance to victims of commercial sexual exploitation and coordinate among agencies responsible for their care, as a part of the SNBS. (46)

NGOs reported that the National Welfare System (SNBS) does not have a specific and consistent coordinating mechanism due to limited coordination among constituent ministries and a lack of financial resources dedicated to combating child labor. (17; 46) In addition, coordination between the SNBS and NGOs that address child labor is limited. (47) Research did not find that the SNBS published information in 2017 on its child labor coordination efforts or how it monitored the implementation of national child labor policies. (50)

During the reporting period, NGOs working on human trafficking issues reported that the National Coalition Against Trafficking in Persons (CNCTP) did not meet with NGOs, despite being required to do so by law. (25; 26) Reports also indicated that the CNCTP did not appoint its Executive Secretariat, which is mandated by the Law Against Trafficking in Persons. (55; 25; 17) Although the Ministry of the Family, Adolescence, and Childhood maintains a guide for providing assistance to child victims of commercial sexual exploitation, reports indicated that the government had no formal procedures for the identification of human trafficking victims among high-risk populations, including children who are trafficked for commercial sexual exploitation. (2; 57; 58)

Nicaragua

MINIMAL ADVANCEMENT

The government prevented independent monitoring of human rights issues, including child labor. (17) In November 2017, the government declared that Commissioner Esmeralda Arosemena, a rapporteur on the rights of children for the Inter-American Commission for Human Rights, was unwelcome in the country after being informed of her intended visit to participate in a civil society-led event on child labor. (10; 59)

V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that hinder efforts to address child labor, including implementation of the Roadmap for the Elimination of the Worst Forms of Child Labor and the Coffee Harvest Plan.

Table 9. Key Policies Related to Child Labor†

Policy	Description
Roadmap for the Elimination of the Worst Forms of Child Labor	Sets the goal of eliminating the worst forms of child labor by 2016 and all forms of child labor by 2020. (1)
Good Government Plan	Sets development goals for government ministries, including MITRAB, MINED, and MINSa. Prioritizes human trafficking investigations; aims to protect children from commercial sexual exploitation; and commits to training teachers, creating 1,000 primary school teaching positions, and increasing access to education, including for indigenous and Afro-descendant children. (60)
Coffee Harvest Plan	Aims to assist children whose parents work in the coffee harvest in the Jinotega Department by improving their educational opportunities. Developed by the government in collaboration with the private sector and NGOs. (1)

† The government had other policies that may have addressed child labor issues or had an impact on child labor. (61)

There is no comprehensive action plan for the implementation of the Roadmap. (3) Research was unable to determine whether activities were undertaken during the reporting period to implement the Coffee Harvest Plan or the Good Government Plan. In 2016, the CNCTP began drafting a new national action plan to combat human trafficking, but research was unable to determine whether the action plan was established or implemented in 2017. (55)

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2017, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the scope of their operations.

Table 10. Key Social Programs to Address Child Labor†

Program	Description
Love Program (<i>Programa Amor</i>)†	MIFAN program that supports vulnerable or impoverished children, including children involved in child labor, such as street work. Provides educational assistance for children and vocational training for parents. (45) Overseen by Nicaragua's Vice President in coordination with MINED, MINSa, MITRAB, and the Ministry of Governance. Includes children from birth to age 6 through the Love Program for the Smallest Ones. (45)
Educational Bridges (<i>Puentes Educativos</i>)†	MITRAB and MINED public-private partnership that provides education to children of coffee workers to prevent child labor during coffee harvests. (62)
Integral School Meal Program (<i>Merienda Escolar</i>)†	MIFAN and WFP initiative that provides children and adolescents with meals at school to address poverty and improve attendance. (46; 47) In 2017, the government reported that 1.2 million students nationwide benefitted from this program. (17)
National School Supply Program (<i>Paquete Escolar</i>)†	MINED program that distributes packages of school supplies to preschool, primary, and secondary school children in the poorest districts to increase attendance and completion rates. (47) In 2017, the government reported that 625,772 students received book bags with school supplies, as well as a pair of school shoes, through the National School Supply Program. (17)
Birth Registration Campaign†	Government initiative, in coordination with Save the Children and UNICEF, to advance birth registration campaigns. (10; 28)

† Program is funded by the Government of Nicaragua.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (49; 63; 64)

The scope of current social programs is not sufficient to assist children who are trafficked or engaged in the worst forms of child labor, including commercial sexual exploitation. (45) The government coordinates with NGOs to provide human trafficking victims with medical, educational, legal, and psychological assistance in NGO-run shelters. (26) NGOs indicate that the regions most affected by human trafficking lack adequate care facilities, and that children who are victims of trafficking in these areas are referred to NGO shelters in Managua. (58) The government does not report funding levels for or specific activities undertaken by the Love Program, and sources report that the program is underfunded. (45; 46; 51) Research was unable to determine what steps were taken to implement the Love Program, Educational Bridges, and the Birth Registration Campaign in 2017.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Nicaragua (Table 11).

Table 11. Suggested Government Actions to Eliminate Child Labor

Area	Suggested Action	Year(s) Suggested
Legal Framework	Ensure that the law is consistent and provides a compulsory education age that is not less than the minimum age for work.	2014 – 2017
Enforcement	Dedicate more human and financial resources to the enforcement of child labor laws, particularly in agriculture, by increasing the number of labor inspectors to meet the ILO's technical advice.	2009 – 2017
	Publish information on the refresher courses provided as training to labor inspectors.	2017
	Impose penalties and collect fines for child labor violations, and make this information publicly available.	2015 – 2017
	Publish information on the number of children referred between labor authorities and social services.	2015 – 2017
	Publish information on the number and training of criminal investigators employed to investigate the worst forms of child labor, and ensure that they have adequate resources to conduct their investigations.	2014 – 2017
	Publish complete information on the number of criminal investigations and violations related to the worst forms of child labor, and ensure that criminal law enforcement efforts are adequate to address the scope of the problem.	2014 – 2017
Coordination	Clarify the roles of SNBS ministries in addressing child labor; increase their collaboration and resources to ensure that the government has a specific and consistent mechanism to coordinate efforts to address child labor, including with NGOs; and publicly report on their efforts.	2014 – 2017
	Ensure that the CNCTP meets regularly to coordinate government activities on human trafficking issues, and ensure that it establishes its Executive Secretariat as mandated by the Law Against Trafficking in Persons.	2015 – 2017
	Enhance coordination and information sharing among actors involved in child labor issues and in efforts to identify and refer victims of child trafficking.	2009 – 2017
	Ensure that independent monitors can report on human rights issues, including child labor.	2017
Government Policies	Finalize and implement a concrete action plan to achieve the objective of eliminating child labor by 2020.	2009 – 2017
	Publish information on efforts undertaken to implement the Coffee Harvest Plan and the Good Government Plan.	2017
	Make information publicly available on national plans that address human trafficking and publicly report on their implementation.	2014 – 2017
Social Programs	Expand birth registration programs, particularly in remote areas, to ensure that children have access to basic services.	2009 – 2017
	Develop strategies and devote resources to improve attendance of children in secondary school.	2009 – 2017
	Expand programs to address the worst forms of child labor in more sectors in which exploitative child labor exists, such as commercial sexual exploitation.	2009 – 2017
	Dedicate greater resources to expand services that assist child trafficking victims.	2010 – 2017
	Assess the effectiveness of the Love Program in reducing the worst forms of child labor and publish its results to inform future efforts.	2010 – 2017

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