

In 2018, Nicaragua made a minimal advancement in efforts to eliminate the worst forms of child labor. The government released its National Action Plan against Human Trafficking and provided trainings to government officials on identifying and caring for victims of human trafficking. 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 sufficient resources to child labor law enforcement and does not publish complete criminal law enforcement data on child labor.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

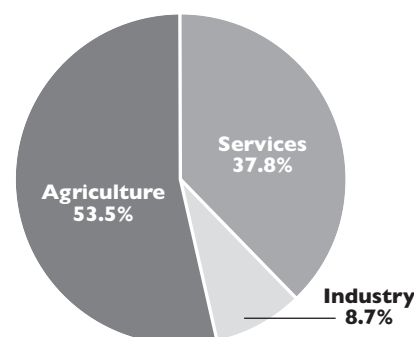
Children in Nicaragua engage in the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture. (1-3) Table 1 provides key indicators on children's work and education in Nicaragua.

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, 2019. (4)
Source for all other data: International Labor Organization's analysis of statistics from Encuesta Continua de Hogares (ECH), 2012. (5)

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



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 (1,3,6,7) |
| | Raising livestock (8,9) |
| | Collecting shellfish† (9) |
| Industry | Construction,† including transporting materials (8,9) |
| | Quarrying† of pumice and limestone, and mining† of gold (3,9,10) |
| | Production of gravel (crushed stones)† (11,12) |
| Services | Domestic work (8,9) |
| | Work in transportation† and as couriers† (8,9) |
| | Work in tourism and hotel industry (8) |

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

| Sector/Industry | Activity |
|---|---|
| Services | Street work, including vending, [†] washing car windshields, and performing at stoplights [†] (8,9,13,14) Garbage scavenging [†] (15) |
| Categorical Worst Forms of Child Labor [‡] | Commercial sexual exploitation, sometimes as a result of human trafficking, and use in the production of pornography (2,8-10,16) Domestic work as a result of human trafficking (17) Forced begging, sometimes as a result of human trafficking (10,17) Drug production and drug trafficking (8) |

[†] 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.

Information about the prevalence of child labor in Nicaragua is limited because the last known national survey on child labor was published in 2012. (8,18) However, available research indicates that children are subjected to commercial sexual exploitation, particularly in Granada, Managua, the Caribbean Autonomous Regions, and San Juan del Sur. (10,16,19) Children from poor, rural areas, those in the Caribbean Autonomous Regions, and migrants from the Northern Triangle countries, are particularly vulnerable. (10) Limited research suggests that the 2018 political upheaval in Nicaragua resulted in Nicaraguan National Police focusing resources on responding to anti-government protests, possibly impacting public security and leaving children more vulnerable to commercial sexual exploitation. (8,10)




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. (20) An estimated 15 percent of children born in Nicaragua lack birth certificates. Although the government's birth registration campaign is advancing, it has not reached all children, especially in remote areas. (21,22)

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. (8,23,24) Limited research indicates 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. (1,24,25)

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 establishing a compulsory education age.

Table 4. Laws and Regulations on Child Labor

| Standard | Meets International Standards | 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 (26-29) |
| 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 (26-28,30) |
| 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 (26,30) |
| 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 (29,31,32) |
| Prohibition of Child Trafficking | Yes | | Articles 61–63 of the Law Against Trafficking in Persons; Articles 182–183 and 315 of the Penal Code (31,32) |
| 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 (28,31,32) |
| 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 (28,31-33) |
| Minimum Age for Voluntary State Military Recruitment | Yes | 18 | Annex 1 of the Code on the Organization, Jurisdiction, and Social Welfare of the Military (34) |
| Prohibition of Compulsory Recruitment of Children by (State) Military | N/A* | | |
| Prohibition of Military Recruitment by Non-state Armed Groups | Yes | | Article 509 of the Penal Code; Article 95 of the Constitution (29,31) |
| 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 (28,29,35) |
| 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 (28,29,35) |

* No conscription (29)

‡ Age calculated based on available information (28,29,35)

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. (29) 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. (35) 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. (28) 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. (36)

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.

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Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|---|
| Ministry of Labor (MITRAB) | Enforces labor laws and sets child labor policy priorities. Conducts labor inspections through its General Labor Inspectorate, and conducts child labor inspections through its Child Labor Inspections Unit. (37) Conducts training on child labor issues and inspections. Maintains a mailbox in each of Nicaragua's 17 departments to receive complaints of child labor violations. (37) |
| Nicaraguan National Police (NNP) | Addresses cases of child labor and human trafficking through the Police Intelligence Unit, which detects crimes, and the Special Crimes Unit, which investigates crimes. Maintains a hotline for reporting violations of children's rights. (37,38) |
| Ministry of Governance | Coordinates participation between MITRAB and NNP in labor inspections in which employers resist inspection. (37) |
| Prosecutor General's Office | Prosecutes 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. (37) |
| Human Rights Attorney for Children | Assists in the enforcement of laws related to child labor and hazardous child labor. (37) |
| Ministry of the Family, Adolescence, and Childhood (MIFAN) | Maintains a hotline for receiving reports on human trafficking and commercial sexual exploitation. Assists in providing officials with training on child labor violations. (39) |

Labor Law Enforcement

In 2018, 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 | 2017 | 2018 |
|--|-----------------|--------------------|
| Labor Inspectorate Funding | \$1,345,368 (9) | \$1,286,249 (8,40) |
| Number of Labor Inspectors | 97 (9) | 97 (40) |
| Inspectorate Authorized to Assess Penalties | Yes (9) | Yes (8) |
| Initial Training for New Labor Inspectors | Yes (9) | Yes (8,40) |
| Training on New Laws Related to Child Labor | Yes (9) | Yes (8,40) |
| Refresher Courses Provided | Unknown (9) | Yes (8,40) |
| Number of Labor Inspections Conducted | 13,617† (9) | 13,830 (8,40) |
| Number Conducted at Worksite | 13,617 (9) | Unknown |
| Number of Child Labor Violations Found | 395 (9) | 262 (8) |
| Number of Child Labor Violations for Which Penalties Were Imposed | Unknown (9) | Unknown (8) |
| Number of Child Labor Penalties Imposed that Were Collected | Unknown (9) | Unknown (8) |
| Routine Inspections Conducted | Yes (9) | Yes (8) |
| Routine Inspections Targeted | Yes (9) | Yes (8) |
| Unannounced Inspections Permitted | Yes (9) | Yes (8) |
| Unannounced Inspections Conducted | Yes (9) | Yes (8) |
| Complaint Mechanism Exists | Yes (9) | Yes (8) |
| Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services | Yes (9) | Yes (8) |

† Data are from January 2017 to October 2017.

A lack of resources may hinder MITRAB's capacity to enforce child labor laws. (8,9,41) 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. (42-44) Government officials and NGOs have reported that child labor inspections throughout the country, particularly in agricultural areas, are limited due to personnel constraints and insufficient transportation and other resources. (38) Furthermore, Nicaragua has a large informal and rural workforce, and the General Labor Inspectorate may be unable to adequately cover the country's vulnerabilities to and magnitude of labor violations. (9)

In 2018, MITRAB signed 6,479 cooperative agreements with employers to prevent the hiring of minors and to protect the rights of adolescent workers. (40) The Ministry removed 8 children from work sites as a result of labor inspections and the Government of Nicaragua reported overseeing work site conditions for 2,186 adolescent workers. (8,40)

Criminal Law Enforcement

In 2018, 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 | 2017 | 2018 |
|---|-------------|-------------|
| Initial Training for New Criminal Investigators | Unknown (9) | Yes (8) |
| Training on New Laws Related to the Worst Forms of Child Labor | Unknown (9) | Yes (8) |
| Refresher Courses Provided | Unknown (9) | Yes (8) |
| Number of Investigations | Unknown (9) | Unknown (8) |
| Number of Violations Found | Unknown (9) | Unknown (8) |
| Number of Prosecutions Initiated | 12 (9) | Unknown (8) |
| Number of Convictions | 2 (9) | Unknown (8) |
| Imposed Penalties for Violations Related to The Worst Forms of Child Labor | Unknown | Unknown |
| Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services | Yes (9) | Yes (8) |

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 available. (9)

The government investigated two cases of commercial child sexual exploitation, but NGOs found this number low compared to the severity of the problem in the country. (8) NGOs have reported that criminal law enforcement efforts related to the worst forms of child labor do not effectively address the scope of the problem. (45) NGOs have also indicated that criminal law enforcement agencies lack sufficient financial resources to adequately carry out criminal investigations. (45,46)

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 & Description |
|--|---|
| National Social Welfare System (SNBS) | Coordinates efforts on child labor and ensures 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. (41) Through a project funded by IOM, 10 trainings were conducted and 239 officials from agencies within SNBS were trained in the prevention, care, and protection of child trafficking victims. (40,47) |
| National Coalition Against Trafficking in Persons (CNCTP) | Coordinates 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. (19) In 2018, the Government of Nicaragua released its National Action Plan on Human Trafficking 2018–2022. It also released its National Strategy for the Comprehensive Care and Assistance to Victims of Human Trafficking, which lays out goals and actions to be carried out by CNCTP. (40,48) |
| Ministry of the Family, Adolescence, and Childhood (MIFAN) | Maintains a guide for the provision of assistance to victims of commercial sexual exploitation and coordinates among agencies responsible for their care, as a part of the SNBS. (38) During the reporting period, 40 government officials from various ministries received training on the Guide for the Detection and Care of Victims of Human Trafficking and Sexual Exploitation. (40) |

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The Government of Nicaragua indicated that, in 2018, the CNCTP held regular regional dialogues through 15 department and 43 municipal level working groups, coordinated by the Ministry of the Interior. (10) However, local civil society organizations working on human trafficking issues reported that, for the third year in a row, CNCTP did not engage local civil society, despite being required to do so by law. Local civil society organizations were unable to corroborate increased CNCTP activity in the local working groups. (10,19) The CNCTP also did not appoint its Executive Secretariat, which is mandated by the Law Against Trafficking in Persons. (10)

Reporting indicates that the National Social 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. (12,38) In addition, coordination between the SNBS and NGOs that address child labor is limited. (39)

Although the Ministry of the Family, Adolescence, and Childhood maintains a guide for assisting child victims of commercial sexual exploitation, reports indicate 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. (17,49,50)

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.

Table 9. Key Policies Related to Child Labor

| Policy | Description |
|---|--|
| Roadmap to make Central America, Panama, and the Dominican Republic a Child Labor Free Zone | Sets the goal of eliminating the worst forms of child labor by 2015 and all forms of child labor by 2020. (1,51) There was no indication during the reporting period that the government took actions to implement the Roadmap. (8) |
| 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. (52) Research was unable to determine whether activities were undertaken during the reporting period to implement the Good Government Plan. (8) |

VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2018, 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 (Programa Amor)† | 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. (37,53) 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. (37,53) |
| Educational Bridges (Puentes Educativos)† | MITRAB and MINED public-private partnership that provides education to children of coffee workers to prevent child labor during coffee harvests. (54) In 2018, provided services to over 200 children at 5 coffee farms in San Ramon, Matagalpa. (55) |
| Integral School Meal Program (Merienda Escolar)† | MIFAN and WFP initiative that provides children and adolescents with meals at school to address poverty and improve attendance. (38,39) In 2018, the government carried out 3 national-level distribution phases, providing food to a total of 1,200,000 Nicaraguan students. (56) |
| National School Supply Program (Paquete Escolar)† | 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. (39) The government planned to distribute 700,000 packages in the year 2018, and reports indicate the program was implemented throughout the reporting period. (57) |

Table 10. Key Social Programs to Address Child Labor (Cont.)

| Program | Description |
|------------------------------|--|
| Birth Registration Campaign† | Government initiative, in coordination with Save the Children and UNICEF, to advance birth registration campaigns. (9) |

† 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. (58-60)

During the reporting period, Nicaragua's Ministry of the Interior received technological and computer equipment as part of the “*Contribuir al Fortalecimiento de la Coalición Nacional Contra La Trata de Personas en Nicaragua*” project funded by the International Organization for Migration, which aims to strengthen Nicaragua's National Coalition Against Trafficking in Persons (CNCTP). (40,47)

The government coordinates with NGOs to provide human trafficking victims with medical, educational, legal, and psychological assistance in NGO-run shelters. (19) However, the government did not create any new programs or expand on any existing programs addressing child labor during the reporting period. (8) Rather, political upheaval in Nicaragua in 2018 resulted in the government diverting resources from social programs to respond to protests and violence. (8) 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. (37) NGOs indicate that the regions most affected by human trafficking, such as the Caribbean Autonomous Regions, lack adequate care facilities, and that children who are victims in human trafficking in these areas are referred to NGO shelters in Managua. (50)

The government does not report funding levels for or specific activities undertaken by the Love Program, and sources report that the program is underfunded. (37,38,41) Research was unable to determine what actions were taken to implement the Love Program and the Birth Registration Campaign.

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 – 2018 |
| Enforcement | Increase the number of labor inspectors to meet the ILO's technical advice. | 2009 – 2018 |
| | Publish complete labor law enforcement data, including information about work site inspections, number of child labor violations, and penalties imposed for violations. | 2015 – 2018 |
| | Ensure that the Ministry of Labor has sufficient funding to fully enforce child labor laws and to ensure personnel and resource needs are met. | 2018 |
| | Publish complete criminal law enforcement data related to the worst forms of child labor, including number of investigations, violations, prosecutions, and convictions. | 2014 – 2018 |
| | Ensure that criminal law enforcement efforts are sufficient to address the scope of the problem and that agencies have funding and resources necessary to carry out duties. | 2014 – 2018 |
| | Establish an adequate mechanism for identifying human trafficking victims among high-risk populations. | 2018 |
| Coordination | Increase collaboration and resources of the National Social Welfare System ministries 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 – 2018 |
| | Ensure that the National Coalition Against Trafficking of Persons works with local civil society organizations to address human trafficking issues, and ensure that it establishes its Executive Secretariat, as mandated by the Law Against Trafficking in Persons. | 2015 – 2018 |
| Government Policies | Take steps to implement the Roadmap for the Elimination of Child Labor and the Good Government Plan, and publish information about these efforts. | 2009 – 2018 |

Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)

| Area | Suggested Action | Year(s) Suggested |
|-----------------|---|-------------------|
| Social Programs | Collect and publish updated data on the prevalence of child labor in the country. | 2018 |
| | Expand birth registration programs, particularly in remote areas, to ensure that children have access to basic services. | 2009 – 2018 |
| | Remove barriers to education for all children and develop strategies and devote resources to improve attendance of children in secondary school. | 2009 – 2018 |
| | Implement social programs that address the full scope of the worst forms of child labor in the country, including commercial sexual exploitation. | 2009 – 2018 |
| | Ensure that social services for human trafficking victims, such as care facilities, are available throughout the country, especially in areas where children are most vulnerable. | 2010 – 2018 |

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