



U.S. DEPARTMENT of STATE

Nicaragua

Country Reports on Human Rights Practices - [2006](#)

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Nicaragua is a constitutional democracy with a population of approximately 5.4 million. The presidential term of Enrique Bolanos Geyer, who ran as the candidate of the Liberal Constitutionalist Party (PLC), was to expire in January 2007. On November 5, Sandinista National Liberation Front (FSLN) presidential candidate Daniel Ortega was elected in generally free and fair elections and was to assume office on January 10, 2007. While civilian authorities generally maintained effective control of the security forces, there were some cases of human rights abuses reported involving the police.

The most significant human rights abuses during the year included harsh prison conditions; widespread corruption and politicization of the judiciary, the Supreme Electoral Council (CSE), and other government organs; harassment and abuse of journalists; ineffectiveness, corruption, and politicization of the Office of Human Rights Ombudsman (PDDH); domestic violence; abuse and exploitation of women; violence against children; widespread child labor; and violation of worker rights in free trade zones.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings during the year. Police received a number of allegations from nongovernmental organizations (NGOs), the media, and private citizens of unlawful killings or excessive use of force by police officers. Although the courts rarely found officers guilty of wrongdoing, the Office of the Police Inspector General (IG), which makes determinations independently of court rulings, conducted parallel investigations and administered punishments including demotion and dismissal of officers.

During the year the IG investigated allegations of police abuses and remanded to the courts for review 41 cases in which police allegedly used excessive force. As of year's end the courts had not rendered decisions on any of these cases.

On May 31, district court judges sentenced Byron Leonel Canteno, the personal driver of Managua Police Chief Carlos Bendana, and Lenin Alberto Calderon, the son of William Calderon, a close personal advisor to Police Chief Bendana, to 18 years in prison for the March 28 killing of nightclub owner Jeronimo Polanco. Police investigations revealed that the pistol used to kill Polanco belonged to Chief Bendana. Several days later Police Commissioner Edwin Cordero and other senior officials agreed to suspend Bendana, but shortly afterwards Cordero rescinded that decision. On September 29, Aminta Granera ordered Bendana to retire based on suspicion of corruption, bribery, and obstruction of justice. At year's end there was no further investigation regarding Calderon (see section 1.d.).

In September 2005 police officers Francisco Javier Gonzalez and Mayra Ines Altamirano were cleared of all charges in connection with the killing of three squatters in a February 2005 land occupation confrontation near Chinandega.

On August 28, former police officer Delvin Jiron was sentenced to 30 years in prison for the 2004 killings of four police officers at the police station in Bluefields. In October the Bluefields Appellate Court added seven years to Jiron's sentence.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, the IG reported 35 cases of injuries inflicted on criminal suspects by police during the arrest process (see section 1.d.), in comparison with 79 cases reported during the same period in 2005. In addition, the IG reported that during the year it had received from detainees 536 complaints of human rights violations by police officers, 70 of which were found to have merit. Most cases were related to excessive use of force and unnecessary use of weapons. The IG's office punished 177 officers for violating human rights through dishonorable discharges, demotions, and other measures.

In November a Cuban detainee who escaped from the immigration detention center in Managua alleged that while in detention, he witnessed

immigration officers and senior immigration officials engaged in bribery for special privileges, extortion, and prolonged detention without access to legal counsel. He also alleged that female detainees could avoid deportation or obtain early release in exchange for sexual favors provided to immigration officials. At the end of the year there was no information available regarding a police investigation of the matter.

By year's end a court found Leonel Duarte Sequeira, who was dishonorably discharged in 2005 from the Nicaraguan National Police (PNN) for raping a fellow officer in May 2005, not guilty of any wrongdoing.

Prison and Prison Detention Center Conditions

Prison conditions remained harsh. A study conducted by the government's National Penitentiary System (SPN) reported that the prison population increased by 6 percent during the first half of the year. According to government statistics, through December there were 6,060 inmates in prisons designed to hold 4,567 prisoners. Some prisons and police holding cells were significantly overcrowded and lacked proper sanitation. The Bluefields prison held 100 inmates in a prison designed to hold 40 prisoners.

The prison system remained underfunded and continued to lack adequate medical supplies. For the country's nine penitentiaries and 6,060 prisoners, the authorities maintained a staff of 28 medical specialists. Prison authorities reported that 30 percent of prisoners slept on metal bunks or mattresses directly on floors. The SPN reported that for each of 511 prisoners with serious mental and physical illnesses, the prison system had an average budget of only \$0.18 (three cordobas) per month to purchase medicine.

The SPN study also reported that the quality of prison food remained poor, and malnutrition remained a problem in local jails and police holding cells. Many prisoners received additional food, medical supplies, and medical attention from visitors and some religious and charitable organizations. Conditions in jails and holding cells remained harsh; many facilities had deteriorated infrastructure, lacked potable water, and had inadequate electric and sewage systems. Holding cells were poorly ventilated, unhygienic, and overcrowded. Suspects regularly were left in holding cells during their trials because budgetary shortfalls restricted the use of fuel for transfers to distant courtrooms.

On January 23, seven inmates at the Modelo Prison in Tipitapa attacked and held hostage a guard, took his keys, and opened the cells of three rival gang members whom they beat severely. The seven inmates also demanded better living conditions and access to medicine. After four hours of failed negotiations, counterterrorism police troops discharged 15 sound bombs and rubber bullets to subdue the prisoners and rescue the prison guard and the beaten prisoners. Police investigated the incident and submitted the case to the prosecutor's office, which charged the prisoners with disorderly conduct. At year's end the court had not made a ruling regarding the case.

The Bluefields prison, which the general director of the penitentiary system characterized as "obsolete, deplorable, and inhuman," had two showers and four toilets for approximately 100 prisoners and was designed to hold 40 inmates. The authorities occasionally released detainees when they could no longer feed them. During the year two inmates died, one from an apparent suicide and the other from a long-term illness.

In March a women's prison with capacity for 60 inmates was completed in the department of Esteli, making it the second all-female prison in the country along with the women's prison in Managua. Elsewhere, women were held in separate wings of prison facilities and were guarded by female custodians. Although juveniles were generally held in prison wings separate from adults, in March SPN opened a small detention facility for juveniles, which employed a social worker, a psychologist, and a sociologist.

The government permitted prison visits by local and international human rights observers, and such visits took place during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The PNN is a single, unified force responsible for law enforcement throughout the country and is controlled by the Ministry of Government. There were 9,410 officers and civilian personnel in the PNN and 1,866 voluntary police, who filled staffing gaps in some areas. Through December the IG reported 18 complaints involving 34 members of the voluntary police, of whom 11 were punished.

Under the joint control of the PNN and the municipal governments, municipal police are trained by the PNN, but their equipment and salaries are paid by the local governments. Municipal police are charged with protecting public property that is directly controlled by the municipality, and they have legal authority to arrest and detain suspects.

Inadequate budget support, including low salaries, for the PNN hampered efforts to improve police performance and resulted in a continuing shortage of officers. The army provided limited support in rural areas, primarily to support counternarcotics efforts. Problems and rivalries between the PNN and the army undermined operational efficiency. Although the IG investigated and remanded to the court system or punished through internal administrative measures cases involving lower-level officers, corruption and impunity continued to be a problem at senior levels within the police force.

In August an M&R poll revealed that only 15 percent of respondents expressed a high degree of confidence in the police, and only 34 percent expressed a high degree of confidence in the military. Approximately 32 percent of respondents perceived police corruption as a serious problem.

Police Commissioner Aminta Granera forced the retirement of three senior police officials--the Managua police chief, the head of the national drug unit, and the head of the judicial police--based on suspicion of corruption, bribery, and obstruction of justice (see section 1.a.).

Police trainees are required to receive human rights instruction to graduate from the police academy and become officers, and police officers must be recertified in human rights annually. Police reported that during the year many officers completed training focusing on attitude change that addressed protection of individual human rights. The army included human rights training in its core training curriculum (see section 4).

Arrest and Detention

Persons are apprehended openly, and the law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. The law requires that a prosecutor accompany police making an arrest. Detainees have the right to an attorney as soon as they are arrested. Police may hold a suspect legally for 48 hours before they must bring the person before a judge to decide if charges should be brought. The judge then must order the accused released or transferred to jail. Few prisoners were held illegally beyond the 48-hour deadline (see section 1.c.). After the initial 48 hours, the suspect has access to bail, visits from family members, and legal representation. The IG investigated 127 reported cases of arbitrary detention and took administrative action against 69 officers responsible in accordance with police disciplinary regulations.

Statistics from the NPS indicated that the number of pretrial detainees increased during the year, with approximately 21 percent of prisoners awaiting final verdicts, compared with 16 percent in 2005.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization. Many judicial appointments were made based on nepotism, influence, or political affiliation. Once appointed, many judges were subject to political and economic pressures that affected their judicial independence.

The PLC and FSLN continued to manipulate the judiciary, with the FSLN utilizing its political control of the judiciary to impede the resolution of property claims. By year's end the property appeals court had not effectively resolved approximately 1,000 outstanding property claims. Many trial courts continued to render controversial judgments in cases involving alleged drug traffickers. Appellate courts and the Supreme Court of Justice (CSJ) overturned convictions of persons found guilty of drug trafficking and other defendants with ties to organized crime.

While civil and criminal courts continued to expedite the judicial process for those in prison awaiting a final verdict, human rights and lawyers' groups continued to complain about the delay of justice caused by judicial inaction.

In June and August Judge Ivania McCrea signed releases for two convicted narco-traffickers from Bluefields prison on the grounds that they suffered from hemorrhoids and hypertension. According to media reports, however, the Bluefield's prosecutor prevented the release of the two narco-traffickers.

On September 26, FSLN Deputy Chief Justice of the CSJ Rafael Solis appointed 10 judges to the trial bench. He acknowledged that he made these appointments in violation of the provisions of the Judicial Career Law.

On October 17, pursuant to a search warrant, police seized firearms from the residence of Juan Carlos Lanuza, who claimed the weapons belonged to Nestor Moncada Lau, a former member of the Sandinista state security force in the 1980s. At a preliminary hearing on October 20, Judge Maria Concepcion Ugarte, who had issued the search warrant, dismissed the charges against Lanuza on grounds of alleged incongruities in the timing of the operation and procedural discrepancies by the police and prosecution.

Former President Arnoldo Aleman, convicted in 2003 of money laundering, fraud, and corruption, remained on medical parole following a court decision to release him from house arrest in September 2005.

The judicial system comprises both civil and military courts. The 16-member CSJ is the system's highest court, administers the judicial system, and nominates all appellate and lower court judges. The CSJ is divided into specialized chambers on administrative, criminal, constitutional, and civil matters. The law requires that the attorney general investigate crimes committed by and against juveniles. The military code requires that the civilian court system try members of the military charged with common crimes.

Trial Procedures

Trials are public and juries are used. Defendants have the right to legal counsel and are presumed innocent until proven guilty. The law provides public defenders to represent indigent defendants. Defendants can confront and question witnesses who testify against them and also have the right to appeal a conviction. The Napoleonic legal process continued to be used for some old cases, particularly those which had been on appeal many times.

The country continued to lack an effective civil law system, with the result that private litigants often filed their cases as criminal complaints to force one party to concede to the party with more influence over the judge rather than face the prospect of detention in jail. This civil-based criminal caseload diverted resources from an overburdened prosecutor's office.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides that persons can bring lawsuits seeking damages for human rights violations before civil courts. In practice, many members of the judiciary did not render impartial judgments in civil matters and were not independent of political or other influence. The law also permits litigants to resolve civil claims through mediation. Due to bureaucratic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for the courts to process their claims, including enforcing domestic court orders. The system was subject to corruption; citizens often paid bribes to judicial officials to expedite their cases.

f. Arbitrary Interference with Privacy, Family or Correspondence

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Although the constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice, several constitutional provisions potentially qualify freedom of the press. The constitution stipulates that citizens have the right to accurate information, which means that the government could abridge information that the government deems inaccurate. Although the right to information cannot be subject to censorship, the law establishes a retroactive liability, implying the potential for sanctions against the press. During the year the government did not invoke these provisions to suppress the media.

In December the National Assembly overrode a presidential veto and passed the Organic Law, which includes an article empowering commissions of the National Assembly to subpoena any resident for any reason deemed necessary by the commission. Persons failing to comply with a request are subject to between one and three years' imprisonment. NGOs complained that the law represented a substantial threat to freedom of speech and press.

Journalists asserted that it remained extremely difficult to produce balanced, nonpartisan media content, because political interests owned or directly financed most radio and television stations. The presidential election campaign during the year further contributed to a sharp narrowing of space for independent journalism. A number of station owners pressured journalists to sell advertisement space to their candidate or to party-affiliated businesses.

On January 4, CSJ Justice Rogers Camilo Arguello sent a letter to the National Assembly waiving his right to immunity and also publicly apologized to journalist Eloisa Ibarra for his December 2005 verbal attack on Ibarra for questioning him about alleged involvement in embezzling \$609,000 (10.44 million cordobas) of drug money the court had seized in 2004. On January 16, Ibarra filed a criminal complaint against Arguello for slander, but on February 20, the case was dismissed on appeal. The president of the Nicaraguan Journalists Union criticized the dismissal, alleging that it demonstrated unwillingness by the courts to protect journalists from harassment.

On February 23, the FSLN mayor of Granada, Alvaro Chamorro Mora, and approximately 200 supporters blocked the entrance to La Prensa, demanding that the newspaper stop publishing articles from correspondent Arlen Cerda regarding alleged irregularities in the Granada municipal government. On February 28, while Cerda and photographer Guillermo Flores covered a meeting of the Granada City Council, a number of people surrounding the mayor verbally insulted Cerda and tried to assault Flores as he was filming them. The Inter American Press Association condemned the Granada mayor's harassment of La Prensa and its journalists and called on government authorities to guarantee press freedom.

On two occasions in April unidentified persons in unmarked cars stopped El Nuevo Diario journalist Heberto Rodriguez and threatened him with a gun (see section 4). Between January and March Rodriguez had published several articles reporting financial abuses and corruption concerning Human Rights Ombudsman Omar Cabezas.

On August 24, the station owner of Univision affiliate Canal 10 cancelled the airing of a prerecorded interview between correspondent Tifani Roberts and Zoilamerica Narvaez, regarding Narvaez's sex abuse lawsuit against her stepfather Daniel Ortega, because the station owner had reportedly received death threats (see section 5).

On October 24, journalists Miguel Figueroa Rugama, Fmanuel Ubeda Henriquez, and Leonidas Rodriguez of Esteli Vision Radio 94.9 FM received death threats from a group of FSLN supporters while covering a preelection Ortega campaign caravan. The journalists filed a complaint with the SEC, the public prosecutor, and the Public Ministry. At year's end there were no developments regarding any investigation of the matter.

In November FSLN supporters beat and forcibly removed Canal 2 reporter Martha Irene Sanchez as she attempted to approach a stage where Daniel Ortega was speaking during the FSLN's presidential campaign closing rally in Matagalpa.

On November 9, the CSJ upheld the 25-year sentence of Eugenio Hernandez, under appeal since March 2005, for the 2004 killing of La

Prensa journalist Maria Jose Bravo Sanchez.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chatrooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by electronic mail.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law recognizes the right to public assembly, demonstration, and mobilization in conformity with the law and requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police.

On September 30, following the breakdown of three weeks of labor negotiations with company management, employees of the Arrocera Altamira company took over the company and blocked the main access roads (see section 6). Ten police and three workers were injured, and 14 workers were detained when police reopened the roads. Police released five suspects and filed charges against the remaining nine workers for crimes against a governmental authority and its agents. The IG's investigation found that the police officers had not committed any offense.

Freedom of Association

The law provides for the right to organize or affiliate with political parties, and the government generally respected this right in practice. Private associations do not have legal status to conduct private fundraising or receive public financial support until they receive authorization from the National Assembly.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

All religious organizations, regardless of denomination, are required to register for legal standing. The government's requirements for legal recognition of a church are similar to its requirements for other private associations (see section 2.b.). A church must apply for legal standing, which the National Assembly must approve. Following approval, a church must register with the Ministry of Government as an association or a foundation and with the tax office to obtain tax-free status. The registration process was at times lengthy and bureaucratic. The government considers foreign missionary groups seeking to engage in activities related to religious work to be temporary residents and requires them to obtain a religious worker visa, which the authorities routinely provided.

Societal Abuses and Discrimination

There were no reports of societal abuses or discrimination, including anti-Semitic acts. The Jewish community had fewer than 50 members.

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for freedom of movement within the country and freedom to travel and emigrate abroad, and the government generally respected these rights in practice. The right of citizens to return to the country is not established in the constitution, but the government did not restrict its citizens' return in practice.

Statutory provisions prohibit forced exile, and the government did not employ it.

There were no reports of political violence against citizens returning from civil-war-era, self-imposed exile.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where they feared persecution. There was no information available on the number people granted refugee status or asylum by the government during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

Elections and Political Participation

On November 22, the CSE declared Daniel Ortega of the FSLN the winner in the presidential elections with 38 percent of the popular vote in elections described by international observers as generally free and fair. Ortega's victory was facilitated by a 1999 legislative change that lowered the minimum threshold for a first-round victory from 45 percent to 35 percent. Tens of thousands of persons were precluded from voting in the presidential elections because the CSE delayed the printing and distribution of voter identification documents. In simultaneous legislative elections, the FSLN won 38 deputy seats, the PLC 25, the Nicaraguan Liberal Alliance (ALN) 22, and the Sandinista Renewal Movement five.

There were 22 women in the 90-seat National Assembly, four women on the 16-member CSJ, and two female ministers of the 12 cabinet-level posts. No specific National Assembly seats were set aside for women or minorities. As a result of the November 5 election, women were elected to 24 out of 92 seats in the National Assembly.

Government Corruption and Transparency

There was widespread public perception of corruption and political deal making in many government institutions, including the judiciary, the National Assembly, the CSE, the Office of the Controller General, the PDDH, and the Office of the National Prosecutor (see section 1.e.). The law does not specify particular corruptive practices or make it a crime to cause monetary damage to the state.

On September 21, the five-year statute of limitations expired in a criminal case involving then solicitor general for property Denis Maltez's 2001 forgery of official government documents and theft of government funds through the undervaluation of \$120,000 (2.04 million cordobas) of government property. Maltez's undervaluing of the property circumvented a legally mandated National Assembly vote and facilitated his donation of the property to an NGO operated by then first lady Maria Flores de Aleman. In September, after the expiration of the statute of limitations for the case, the CSJ appointed Maltez as a magistrate for the National Property Court, giving him immunity from prosecution.

There was evidence of pervasive corruption in immigration services. In October the attorney general opened a criminal investigation, resulting in the reported suspension of the Director of Immigration Services Fausto Carcabelos for facilitating the illegal entrance into the country of more than 100 immigrants from various countries, authorizing the release of illegal immigrants from custody, and conspiring to embezzle more than \$600,000 (10,020,000 cordobas) from an immigrant repatriation fund. An investigation in November revealed that Carcabelos was involved in widespread trafficking of falsified visas involving several of the country's embassies and consulates. On December 11, President Bolanos reinstated Carcabelos as director of immigration services, alleging a lack of progress in the investigation.

Although the constitution provides for public access to government information, no law defines a mechanism for the transmission of the information. There were no formal procedures for requesting information, explaining why access to information was denied, or appealing the denial of a request for access. In practice the government sometimes provided such access for citizens and noncitizens.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views with some exceptions.

The NGO Permanent Human Rights Commission of Nicaragua (CPDH) alleged discrimination by the CSJ and CSE due to CPDH's involvement in a human rights lawsuit brought in June by members of the Miskito indigenous community against several former Sandinista government officials (see section 5). CPDH reported that the CSJ refused to certify Miskito witness testimonies for an October hearing before the Inter-American Commission on Human Rights (IACHR) and that the CSE refused to accredit CPDH's electoral observers for the November presidential elections. CPDH reported that police authorities did not investigate anonymous death threats that CPDH staff and their families received throughout the year.

The autonomous, government-financed PDDH suffered from financial problems, politicization, and loss of credibility among civil society and was not effective. In March the media produced evidence that Human Rights Ombudsman Omar Cabezas used nearly \$3,000 (51,000 cordobas) in PDDH funds to pay his personal assistant's medical bills. In July the comptroller opened an investigation of the PDDH for mismanagement of public funds, but as of year's end the PDDH had not complied with the comptroller's requests for documents. During the year the ombudsman did not publish any reports related to human rights violations.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

Although the law prohibits discrimination on the basis of race, gender, disability, language, or social status, in practice the government made little effort to enforce it. Few discrimination suits or formal complaints were filed with government officials.

Women

The most prevalent violations of women's rights involved domestic and sexual violence, including spousal abuse, which was widespread and underreported. The law criminalizes domestic violence and provides up to six years' imprisonment for those found guilty. The law provides for the issuance of restraining orders for women who fear for their safety.

According to police statistics, 30,000 crimes against women were reported during the first six months of the year compared with 32,000 reported for 2005, an increase of approximately 88 percent. There was no information available for the second half of the year. More than 50 percent of complaints involved domestic violence, and more than 30 percent of crimes registered with the police were sex crimes. Police stated that an unknown proportion of the increase resulted from initiatives by police and NGOs to increase public awareness of family violence (see section 5).

Between January and June the Ministry of Family reported a 58 percent increase in the number of sex abuse cases it handled. The NGO Nicaraguan Center for Human Rights (CENIDH) received 216 complaints of domestic violence in the first six months of the year compared with 197 for 2005. The NGO Network of Women Against Violence reported that 63 women were killed during the year due to domestic violence, estimated that 60 percent of the country's women had suffered some kind of violence, and also reported that only 3 percent of cases of violent crimes against women were prosecuted.

Although laws specifically criminalize intrafamily violence, studies released during the year by the Spanish Agency for Cooperation and the NGO Ixchen indicated that the law was rarely enforced. Although the law forbids mediation in intrafamily violence cases, the SAC study reported that authorities referred 57 of the gravest abuse cases to mediation.

The law criminalizes rape. While the law does not treat spousal rape as a separate category, the law covers all forms of rape, regardless of the relationship between the victim and the accused. Women can seek to have the law against rape applied against spouses who have sexually assaulted them. The PNN reported receiving 1,066 rape complaints between January and October, compared with 1,212 reported rape complaints in 2005. Many women were reluctant to report abuse or file charges due to the social stigma attached to rape. NGOs asserted that the law against rape was not effectively enforced.

In September Police Commissioner Aminta Granera announced a "Break the Silence" campaign to raise public awareness about intrafamily violence, and help victims of domestic abuse identify themselves as crime victims and denounce perpetrators. According to the PNN, the campaign trained 5,914 persons to provide victim support. With the assistance of police, civil society, and educational institutions it also undertook approximately 1,400 awareness-raising educational and media information activities. Media and NGO sources reported that although the campaign and related efforts encouraged more women to speak out about abuse situations, leading to an increase in reported cases, the actual number of cases of violence and abuse remained underreported.

During the year the number of women's commissariats increased from 23 to 27. The commissariats trained 2,080 students, teachers, and police on identifying and handling domestic violence situations through 60 workshops. The commissariats also facilitated 129 discussions on related topics involving more than 4,500 persons. The commissariats provided social and legal help to women, mediated spousal conflicts, investigated and helped prosecute criminal complaints, and referred victims to other governmental and nongovernmental assistance agencies. As of September 32,165 women had sought help from the commissariats, and 10,964 of them had pressed charges against their alleged abusers, an increase of 38 percent from 2005.

There was no resolution by the IACHR of the 2003 complaint of Zoilamerica Narvaez that the government had denied her due process in 2002 by dropping sexual molestation, harassment, and rape charges against her stepfather, president elect Daniel Ortega (see section 2.a.). In May Narvaez petitioned CPDH and the IACHR to assist in reviving her case. The IACHR agreed to hear the case in October but postponed and later canceled the hearing. By year's end the IACHR had not issued a ruling in the case.

Prostitution is legal for persons 14 years of age and older, but the law prohibits its promotion, including procurement. Prostitution was common, and in Managua most prostitutes worked on the streets or in nightclubs and bars or offered sexual services in massage parlors. According to the PNN there were no reported cases of sex tourism during the year. The National Assembly approved a law criminalizing sex tourism, imposing a penalty of five to seven years' imprisonment for convicted offenders.

The law prohibits sexual harassment, and those convicted face between one and three years' imprisonment, or between three and five years' imprisonment where the victim is under 18 years old. During the year police reported 298 cases, and the PDDH reported 278 cases, of sexual harassment. The Network of Women Against Violence reported that the law was rarely enforced and that police statistics did not fully reflect the extent of the problem.

The PDDH and the Nicaraguan Women's Institute (Instituto Nicaraguense de la Mujer) are the two principal government entities charged with ensuring the legal rights of women. In addition, the PNN's Office of the Superintendent of Women is responsible for enforcing the law to protect women. According to women's advocacy NGOs, the office was the most effective advocate available on behalf of women. Under the law, women enjoy the same rights as men, including with regard to family and property matters.

While the Ministry of Family established shelters for children, there were no government-operated shelters dedicated for women victims of violence and other forms of abuse. The Network of Women Against Violence operated the only three shelters in the country that were set up to assist women.

Children

Although the government publicly expressed its commitment to children's human rights and welfare, it did not adequately fund children's programs and primary education.

The law provides for free and compulsory education through the sixth grade. Although some schools continued to require that students pay voluntary fees for registration, exams, and other services, by year's end the Ministry of Education, Culture, and Sports (MECD) reported that these fees had been eliminated in 90 percent of primary schools. According to MECD statistics approximately 800,000 school-age children did not attend school. Pan American Health Organization (PAHO) data reported that 18 percent and 60 percent of primary and secondary school-age children, respectively, did not attend school. Approximately 19 percent of the population over six years of age was illiterate, especially on the Atlantic Coast. According to a report released during the year by the Nicaraguan Coordinator of NGOs Working with Children and Adolescence (CODENI), although nationwide 66 percent of enrolled children finished primary school, on the Atlantic Coast and in the Central Region, children completed on the average only 2.1 and 2.7 years of schooling, respectively.

PAHO reported that 20 percent of children under the age of five suffered from chronic malnutrition. Approximately 25 percent of children did not receive adequate medical treatment. Although medical care was often limited, boys and girls had equal access.

Violence against children remained a significant problem. According to the Center for Prevention of Violence, one of three girls and one of five boys had been the victim of sexual abuse. Between January and October police reported approximately 1,322 cases of physical and sexual assault, statutory rape, and incest against minors. Additionally police reported that 736 minors between 13 and 17 years and 1,230 minors under 13 were rape victims compared with 639 and 219, respectively, throughout 2005. NGOs held that the increase in numbers reported reflected a greater willingness among mothers to report domestic violence. Government statistics showed that during the year, 82 minors between 13 and 17 years old died as result of violent crimes. The PNN estimated that 10 percent of these victims were younger than 13.

Child prostitution remained a problem. The law permits juveniles 14 years of age or older to engage in prostitution (see section 5, Trafficking).

Child labor was a serious problem (see section 6.d.).

Trafficking in Persons

The law states that recruiting or enrolling victims for the purpose of prostitution, within or outside the country, constitutes trafficking. There were no official statistics regarding the scope of trafficking in the country during year. NGOs reported that persons were trafficked to, from, or within the country.

The country was a source for women and children trafficked for sexual exploitation, with Costa Rica and Guatemala the primary destinations for victims. Victims were also trafficked to Canada, the United States, and El Salvador. Persons trafficked from the country to foreign destinations usually were women and girls from poor neighborhoods in urban areas; recruited ostensibly as domestic servants, nannies, and waitresses; and then forced to work as prostitutes in the countries of destination. Between January and June the Ministry of Family repatriated 23 trafficking victims from El Salvador, Costa Rica, Guatemala, Mexico, and the United States. The PNN, army, and immigration authorities confirmed media reports that young men from southern border areas were trafficked to Costa Rica for labor exploitation.

Trafficking within the country usually involved poor rural women and girls drawn to major urban centers to work as prostitutes. Young women from poor areas of Managua and border towns were at greatest risk from internal and external trafficking. According to PNN and media reports, the victims of external trafficking were often approached by acquaintances who offered lucrative job offers in neighboring countries.

NGOs reported that many victims were trafficked using legal migration procedures. Traffickers sometimes utilized the minimal documentation requirements within the C-4 countries of El Salvador, Guatemala, Nicaragua, and Honduras to transport Nicaraguan trafficking victims. Traffickers also took advantage of the low price of falsified immigration documents to move victims through the country. Unlike in the previous year, NGOs indicated that there were no reports of trafficking of victims through smuggling by boat across the Gulf of Fonseca to Honduras and El Salvador.

Trafficking carries a sentence of between four and 10 years in prison. The maximum penalty is applied against perpetrators in cases where the victim is married, less than 14 years of age, or living as a concubine with the perpetrator. There is no penalty for attempted trafficking. Labor trafficking is not criminalized, and laws against commercial sexual exploitation of minors do not protect all adolescents under 18 years old.

During the year the government initiated seven trafficking investigations and closed down businesses where minors were sexually exploited. Many victims remained unwilling to assist in investigations or prosecutions. According to a report released by the PNN in November, traffickers were rarely detained or prosecuted.

Between January and September the Ministry of Family coordinated with the Salvadoran Institute for the Integral Development of Childhood and Adolescence to return three girls victimized by traffickers in El Salvador. The NGO Casa Alianza reported that it had information about eight cases of trafficking during the year. Seven of these cases involved children. In one of the cases a trafficker in Chinandega was sentenced. Another case was closed due to lack of evidence. A third case was ongoing at the end of the year. The government was not able to provide complete information on the number of persons prosecuted or convicted for trafficking during the year.

The Ministry of Family and Ministry of Government collaborated with civil society organizations to launch a public awareness campaign to prevent trafficking in persons. The ministries designated an emergency 24-hour hot line staffed by social workers, lawyers, and healthcare workers to encourage reporting of trafficking incidents, and they provided a vehicle to bring victims to safety. By year's end there were reports that the hot line service was not fully operational and that transportation was often not available.

The Ministry of Government has primary responsibility for combating trafficking through its antitrafficking liaison office, which coordinates efforts with 16 ministries and autonomous government agencies as well as with national and international organizations. The government worked with the International Organization for Migration and the NGO Save the Children on investigations of trafficking cases. By law the government is not authorized to extradite its own citizens, regardless of the crime.

The women's commissariats investigate abuse against women and children, including trafficking allegations (see section 5). The Ministry of Government is in charge of the National Coalition Against Trafficking in Persons, and the Office of the National Prosecutor is charged with prosecuting trafficking cases.

The Ministry of Government continued its awareness and capacity-building activities throughout the country and held an education program in Granada with the Ministry of Tourism to train hotel owners and taxi drivers to encourage zero tolerance of commercial sexual exploitation of children.

The Ministry of Government reported that during the year the PNN had increased its efforts to combat and prevent trafficking in persons by disrupting operations, increasing police presence, and targeting massage parlors, nightclubs, and other suspected areas of trafficking activity.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities, but in practice such discrimination was widespread in employment, education, access to health care, and in the provision of state services. The government did not effectively enforce the law with regard to protection of persons with disabilities. The government had not legislated or otherwise mandated accessibility to buildings for persons with disabilities.

According to the Ministry of Education, 926 schools offered integrated educational programs to approximately 5,000 children with special needs compared with 2,500 in 2005. However, only 65 students with disabilities were enrolled in regular secondary programs.

According to the Nicaraguan Institute of Statistics and Census, 10.25 percent of the population had some type of disability, few of whom received adequate medical treatment. Government clinics and hospitals provided care for war veterans and other persons with disabilities, but the quality of care was generally poor. The government continued a public relations campaign focusing on greater integration into society of persons with disabilities. The Ministry of Family is responsible for the protection and advancement of rights for persons with disabilities.

National/Racial/Ethnic Minorities

Various indigenous and other ethnic groups from the Northern and Southern Autonomous Atlantic Regions (RAAN and RAAS) sometimes attributed the government's lack of resources devoted to the Atlantic Coast to discriminatory attitudes toward ethnic, racial, and religious minorities that predominate in those regions. In contrast with the rest of the country, the regions' racial makeup tended to be black and Amerindian. Its religious composition was principally Protestant.

Indigenous People

Indigenous people constituted approximately 5 percent of the country's population and lived primarily in the RAAN and RAAS. The four major identifiable indigenous groups were the Miskito, the Sumo, the Garifuna of Afro-Amerindian origin, and the Rama.

In March the political party of the indigenous Miskito community, Yatama, won 13 and six seats in the regional parliamentary elections in the RAAN and RAAS, respectively. On March 14, Yatama supporters took over the airport, and the office of the Regional Electoral Council (CER) in Bilwi and blocked the major east-west road in the RAAN when the CER initially awarded the party only 12 of the 13 seats earned in the election.

In June CPDH filed a lawsuit with the CSJ on behalf of the Miskito indigenous community. The lawsuit alleged genocide and other serious human rights violations against several former leaders of the Sandinista regime for the Red Christmas operation and related actions taken against the Miskito and other Atlantic Coast communities during the 1980s. Those cited in the complaint included then president Daniel Ortega, his brother and former head of the Sandinista army Humberto Ortega, former Sandinista minister of the interior Tomas Borge, former Sandinista director of state security Lenin Cerna, and Omar Cabezas, former deputy at the Ministry of the Interior and current human rights ombudsman. In October CPDH presented the case before the IACHR (see section 4).

By year's end the government had not paid an \$80,000 (1.36 million cordobas) penalty imposed by the IACHR to be paid to Yatama before December 31. The penalty was imposed pursuant to the commission's July 2005 ruling against the CSE's decision to prohibit Yatama from participating in the 2000 elections.

In September the Mayangna indigenous community of Musawas in the RAAN became the first indigenous group to complete the registration process required by the National Commission of Demarcation and Titling to demarcate, title, and register their territory. On the Atlantic Coast there were 17 indigenous territories seeking formal demarcation, titling, and registration.

Although the law requires that the government consult indigenous people regarding the exploitation of their areas' resources, as in previous years some indigenous groups and organizations, including Yatama, complained that government authorities excluded Atlantic Coast indigenous people from meaningful participation in decisions affecting their lands, cultures, traditions, and the allocation of natural resources.

Representatives of autonomous regions and indigenous groups regularly complained to the government, media, and NGOs that the government made no effort to invest in infrastructure for the benefit of those who lived in those regions.

The majority of indigenous people in rural areas did not have access to modern health care, and deteriorating roads made medicine and health care almost inaccessible for many communities. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country. Most of the indigenous population on the Atlantic Coast was engaged in subsistence fishing, farming, and mining.

Other Societal Abuses and Discrimination

Although sexual orientation is not mentioned specifically, the constitution states that all persons are equal before the law and have the right to equal protection. The penal code criminalizes homosexual acts with a penalty of between one and three years' imprisonment, but this prohibition was not enforced.

The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. During the year there were no reports of police or other authorities perpetrating or condoning violence against persons based on sexual orientation or HIV/AIDS status, and there were no reliable statistics on the extent of societal discrimination based on sexual orientation or HIV/AIDS status. The government undertook minimal effort to address discrimination based on sexual orientation or HIV/AIDS status.

Section 6 Worker Rights

a. The Right of Association

The law provides for the right of all public and private sector workers, with the exception of those in the military and police, to organize voluntarily in unions, and workers exercised this right in practice. Workers are not required to notify either the employer or the Ministry of Labor in advance of their intention to organize a union.

Although employers are legally required to reinstate workers fired for union activity, the Ministry of Labor cannot legally order employers to rehire fired workers. Formal reinstatement requires a judge's orders. The law allows employers to obtain permission from the Ministry of Labor to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay. In practice, employers often did not reinstate workers due to weak enforcement of the law.

b. The Right to Organize and Bargain Collectively

The law provides for the right to bargain collectively. A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. While the government protected this right, in practice it often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Companies engaged in disputes with employees must negotiate with the employees' union if the employees are organized. The possible existence of more than one union at a place of employment means that several unions, each with different demands, may coexist at any one enterprise. The law permits management to sign collective bargaining agreements with each union operating at the enterprise.

Although the law recognizes the right to strike, according to labor ministry information, there were no legal strikes during the year. The law contains burdensome and lengthy conciliation procedures for calling a strike. During a strike, employers cannot hire replacement workers. If a strike continues for 30 days without resolution, the Ministry of Labor will suspend the strike and submit the matter for arbitration.

On September 30, following the breakdown of three weeks of labor negotiations with company management, employees of the Arrocera Altamira company began a strike, took over the company and blocked access roads. The strike was declared illegal and the police entered the facility to restore order. As a result of these actions, police arrested nine workers. The IG reported that the police released the arrested workers without pressing charges shortly after order had been restored (see section 2.b).

There were repeated allegations of violations of the right to organize, especially in the free trade zones (FTZ), where employers fired or harassed employees who were trying to form unions. Labor organizers reported that these incidents increased in the FTZs after the country implemented legislation for the Central America Free Trade Agreement in April.

There were credible reports that the Ministry of Labor issued registrations to employer-backed unions within a few days while delaying issuance of registrations to independent employee unions for months. The ministry also reportedly failed to take corrective action for labor violations reported by its inspectors, favored employers in union disputes, and revealed the names of union leaders to employers, facilitating the leaders' dismissal. There were no statistics available, however, to document these patterns.

Between June and August the FTZ garment factory Atlantics fired 26 workers affiliated with a union formed in June. The company rehired six of the workers on condition that they sign contracts prohibiting them from labor organizing. Following an appeal brought by the union, on August 31, the Ministry of Labor ordered the factory to "unfire" the workers, issuing a return to work resolution. On September 1, the factory appealed the decision claiming the ministry lacked legal authority to reinstate the workers. On September 12, the ministry upheld the September 1 appeal by the employer without notifying the union of the ministry's reversal of the August 31 order.

In August the Ministry of Labor reversed a reinstatement order on appeal regarding the firing of workers at the FTZ garment factory Calypso Apparel. On September 20, the Ministry of Labor referred the Atlantics and Calypso Apparel cases, along with a similar dispute at KB

Manufacturing, where 35 union organizers were fired, to the Labor Issues Commission in the National Assembly. In October a special subcommission convened to negotiate agreements with Atlantics and Calypso Apparel by which the workers were reinstated. At year's end the National Assembly had not negotiated a reversal of the firing of the union organizers at KB Manufacturing.

By year's end the FTZ garment factory Mil Colores had fulfilled most of its outstanding financial obligations, including providing severance payments to workers fired in 2004.

There are no special laws or exemptions from regular labor laws in the 41 FTZs. While many workers in the FTZs were represented by one of approximately 35 different union organizations associated with five labor confederations, less than 10 percent of FTZ workers were union members. A number of these unions did not have effective collective bargaining power.

c. Prohibition of Forced or Compulsory Labor

The law prohibits any type of forced or compulsory labor but does not specifically address forced or compulsory labor by children, and such practices occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

Whereas the law provides for the protection of children's rights and prohibits any type of economic or social exploitation of children, child labor was a widespread problem. According to a study published during the year by the National Survey of Adolescent and Child Labor (ENTIA), the number of working children under the age of 18 had declined by more than 5 percent since the year 2000 to approximately 239,000, of which approximately 36 percent were under the age of 14. A study by the International Labor Organization reported that more than 25,000 children worked as domestic employees.

ENTIA statistics revealed that child labor occurred in both urban and rural areas and that 76 percent of children were employed in the informal sector. More than 60 percent did not receive direct compensation for their labor, working instead for a family venture or goods in kind. More than 135,000 children worked in agriculture, forestry, fishing, and hunting, with the majority working in coffee plantations or at a subsistence level to support their families. Approximately 22 percent worked in restaurants, hotels, and other commercial businesses. The incidence of children engaged in garbage scavenging, street vending, and prostitution continued to be a serious problem in urban areas (see section 5).

The labor law sets the minimum age for employment at 14 years and limits the workday to six hours. Children between 14 and 16 must have parental approval to work. Although the law imposes fines for violators and permits inspectors to close facilities employing child labor, rules controlling child labor rarely were enforced except in the small formal sector.

The National Commission on Child Labor, which includes government ministries, local and international NGOs, and the private sector, continued its campaign to raise awareness about the problem of child labor and its social implications for the country over time. The Ministry of Labor is responsible for enforcing child labor laws, but the government did not allocate adequate resources to enable the ministry to perform its duties effectively.

e. Acceptable Conditions of Work

The statutory minimum wage is set through tripartite negotiations involving business, government, and labor and must be approved by the National Assembly. Each key sector of the economy has a different minimum wage, which must be reviewed every six months. A new minimum wage scale took effect on March 2, ranging from \$50 (869 cordobas) in the agricultural sector to \$117 (2018 cordobas) in the financial sector. A Central Bank comparison at the time of the minimum wage increase revealed that average wages in six of the 10 key sectors were above the minimum wage. Agricultural and fisheries workers, however, earned an average of only 30 and 19 percent, respectively, of the mandated monthly salary. In general the minimum wage was enforced only in the formal sector. The national minimum wage did not provide a decent standard of living for a worker and family. In every sector, the minimum wage was between 30 and 70 percent below the \$174 (3,000 cordobas) that the government estimated an urban family needed monthly for a basic basket of goods.

Although the standard legal workweek is a maximum of 48 hours, with one day of rest, this provision was routinely ignored by employers who often claimed that workers readily volunteered for these extra hours for additional pay. While the law mandates premium pay for overtime and prohibits excessive compulsory overtime, these requirements were not always effectively enforced.

The law establishes occupational health and safety standards, but the Office of Hygiene and Occupational Security in the Ministry of Labor lacked adequate staff and resources to enforce these provisions. Working conditions often did not meet acceptable international standards. Workers in some factories in the FTZs complained of poor working conditions, unsafe drinking water, forced unpaid overtime, and of being told when they could not go to the toilet. In one factory, several pregnant women complained that management would not allow them to visit the doctor for medical appointments during work hours. The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing their continued employment, but many workers were unaware of this right. In the first half of the year, CENIDH received 244 complaints related to working conditions from various sectors.

During the year eight lobster divers on the Atlantic Coast died and approximately 600 others suffered decompression sickness injuries resulting from the failure of employers to provide appropriate occupational health and safety training and adequate diving equipment. NGOs reported that the government had not inspected diver working conditions during the year. The president of the Divers and Mariners Union in the Northern Autonomous Region reported to the media that employers had provided basic technical diving training to only approximately 2 percent of the 4,000 lobster divers. At year's end the Ministry of Health declared that lobster fishing should be suspended, and local

governments of the Atlantic Coast coordinated with PAHO to begin funding a basic lobster diver training program.