

NICARAGUA 2014 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua is a multi-party constitutional republic, but in recent years political power has become concentrated in a single party, with an increasingly authoritarian executive branch exercising significant control over the legislative, judicial, and electoral branches. In 2011 the Supreme Electoral Council (CSE) announced the re-election of President Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) in elections international and domestic observers characterized as seriously flawed. International and domestic organizations raised concerns regarding the constitutional legitimacy of Ortega's re-election. The 2011 elections also provided the ruling party with a supermajority in the National Assembly, allowing for changes in the constitution, including extending the reach of executive branch power and the elimination of restrictions on re-election. Observers also noted serious flaws during the 2012 municipal elections and March regional elections. Authorities generally maintained effective control over the security forces.

The principal human rights abuses were restrictions on citizens' right to vote, including significantly biased policies to promote single-party dominance; widespread corruption, including in the police, CSE, Supreme Court of Justice (CSJ), and other government organs; and societal violence, particularly against women and lesbian, gay, bisexual, and transgender (LGBT) persons.

Additional significant human rights abuses included police abuse of suspects during arrest and detention; harsh and life-threatening prison conditions; arbitrary and lengthy pretrial detention; erosion of freedom of speech and press, including government intimidation and harassment of journalists and independent media; increased restriction of access to public information, including national statistics from public offices; government harassment and intimidation of nongovernmental organizations (NGOs) and civil society organizations; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal discrimination against persons with disabilities; discrimination against persons with HIV/AIDS; and violations of trade union rights.

The government rarely took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government. Impunity remained a widespread problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were several reports the government or its agents committed arbitrary or unlawful killings, many during confrontations with illegal armed groups in the northern part of the country; however, a lack of clear and impartial investigations into deaths made attribution difficult. Human rights organizations and independent media alleged some killings during the year were politically motivated.

On July 25, Carlos Garcia, former Contra member and member of the political party Independent Liberal Party (PLI), was shot and killed in the northern town of El Sarayal, Jinotega. Opposition members alleged the killing was politically motivated, in response to a July 19 attack on FSLN buses in the nearby department of Matagalpa. Although the police started an investigation, by October no arrests were made and no further information about the case was available.

There were no developments in or investigations of the April 2013 killing of four civilians, including former Contra leader Joaquin Torres Diaz, alias “Cascabel,” or the October 2013 killing of Yairon Diaz Pastrana in Pantasma, all allegedly killed by military forces. Likewise, there were no developments in the 2012 death of former Contra member Santos Guadalupe Joyas Borge (“Pablo Negro”) or in the 2012 case of community leaders Pedro Ramon Castro and Miguel Angel Oliva, who allegedly were killed by four Nicaraguan National Police (NNP) members in the municipality of Pantasma.

b. Disappearance

There were no reports of politically motivated or other disappearances.

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

Although the law prohibits such practices, there were reports that police frequently abused suspects during arrest, used excessive force, and engaged in degrading treatment. In the first nine months of the year, the Nicaraguan Human Rights Center (CENIDH) received 260 complaints against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment, including in prisons.

During the year there were numerous claims of torture by agents of the Directorate of Judicial Assistance, especially during high-profile arrests related to organized crime. Human rights organizations claimed the directorate, a special police investigations unit, operated outside of the normal NNP chain of authority and was not accountable to normal internal affairs procedures of the NNP. In July the head of the directorate, Glenda Zavala, was reassigned as director of the Police Crime Laboratory. Although the transfer was not a demotion, independent observers noted her removal was a sanction for incidents of abuse toward subordinates and of continued reports of abuses in the directorate's holding cells.

In the course of its investigation into the July 19 shooting of passengers on two buses containing FSLN sympathizers, the NNP led raids and detained a number of citizens in the northern departments. Many of the detained persons reported the NNP had tortured them both physically and psychologically, including being held at gunpoint, beaten, and threatened during interrogations.

Prison and Detention Center Conditions

Prison conditions were harsh and life threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities.

Physical Conditions: As of December 2013, the country's eight prisons, designed for fewer than 5,000 inmates, held more than 9,800 inmates. Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners shared cells with adults due to overcrowding. CENIDH reported police regularly left suspects in holding cells during their trials due to negligence or a lack of government funds to transport them to court.

Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Many prisoners suffered mistreatment from prison officials and other inmates. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations supplemented the national budget of 10 cordobas (\$0.38) per prisoner per day for food. There was no budget allocation for health or personal care. Poor conditions in jails and police temporary holding cells led to several riots throughout the year, most notably in Chinandega, Leon, and Jinotepe.

Conditions for female inmates were generally better than those for men but were nevertheless overcrowded and unhygienic. The National Women's Prison reportedly held approximately 250 women in 2012.

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically deteriorated and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water.

Administration: Recordkeeping on prisoners was inadequate, and the government took no steps to improve it. The problem was particularly serious in the North Caribbean Autonomous Region (RACN) and the Southern Caribbean Autonomous Region (RACS), where the NNP estimated in 2010 (the most recent data available) 93 percent of inmates in preventive holding cells should have been in the National Penitentiary System. In certain instances the government restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. Although prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhuman conditions, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as informal alternatives to incarceration for nonviolent offenders, although this generally did not occur. The government permitted religious observance. There were no known formal alternative sentencing programs on a national level.

Independent Monitoring: The government permitted a delegation of the UN Subcommittee on the Prevention of Torture to visit the country in May to inspect conditions in six prisons and various preventive holding cells. At the end of the visit, the head of the delegation declared the situation "extremely worrying."

The government allowed the NGO Permanent Commission on Human Rights (CPDH) to inspect prison conditions in select prisons but frequently denied prison visits by other local human rights groups as well as the media. The government denied CENIDH access to all prison facilities when the organization attempted to investigate reports of hazardous conditions. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner, due to lack of access.

Improvements: During the year a new women's prison was built, capable of holding approximately 250 women.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government and its agents did not always comply with or enforce the laws. Between July 25 and 27, following a July 19 incident in which five FSLN sympathizers on two buses were shot and killed and 19 were injured, heavily armed NNP personnel entered homes in Matagalpa in the middle of the night without arrest warrants. Initially NNP officials did not provide information on whether they were still holding those detained during the raids. Subsequently, the NNP formally accused 12 individuals, whose detention was prolonged for months because a judge in Matagalpa declared himself incapable of carrying out the proceedings, thus necessitating a change of jurisdiction to Managua and a restarting of the trial in early October.

Between December 24 and 30, the NNP arrested six individuals in El Tule, Rio San Juan, and Rivas protesting the construction of a proposed interoceanic canal, detained them incommunicado for six days in Managua (contrary to the law, which provides that prisoners must be held in the cities where they are arrested and handed over to the prosecutor's office after 48 hours), and then released the six on December 30 without charges, following negotiations between human rights groups, the Catholic Church, and the government. The six detainees reported that police beat them during their arrest and transportation to Managua, held them in overcrowded conditions, and denied them access to medicine.

Role of the Police and Security Apparatus

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. The Office of Internal Affairs is responsible for investigating complaints and abuses. The Ministry of Governance administers the NNP with the president as commander in chief, and it forms a single force responsible both in law and in practice for enforcing the law throughout the country and maintaining internal security. Observers noted changes in the constitution and the police code enacted during the year increase presidential control over the police. The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and providing for the transportation of election-related materials, including ballots. While the army falls under the Ministry of Defense, many informed observers believed the ministry's control has been limited since 2007, and the army functions as an autonomous force responding directly to the president. Such an impression was reinforced by constitutional reforms and reforms to the military code enacted

during the year, which give the president greater control over the army. The Office of the Inspectorate General is responsible for investigating abuses and corruption, but limited public information was available on its activities.

There were instances in which the Ministry of Interior failed to maintain effective control over the NNP, and the government lacked the will to investigate and punish abuse and corruption. There continued to be numerous reports of impunity involving security forces.

The NNP Office of Internal Affairs, and to a lesser extent the Office of the Inspector General, are responsible for investigating police abuse; however, corruption, inefficiency, and lack of transparency of the justice system contributed to a public perception of police impunity. According to the latest available figures, in 2012, the Office of Internal Affairs registered 2,549 complaints, investigated 1,922 cases of alleged abuse of authority or breach of duty, and dismissed 39 officers for police misconduct. There were two convictions related to complaints filed in 2012. Of complaints filed against police in 2012, the most recent date for which statistics are available, approximately 64 percent pertained to human rights violations and 36 percent to a failure to adhere to police procedure and regulations. The Office of Internal Affairs reported investigating 85 percent of the claims received. The government generally did not take action on complaints against security forces.

NGOs reported President Ortega's use of his position as commander in chief had politicized the NNP and led many to question its professionalism. For instance, the president's 2011 extension of the term of the national chief of police, Aminta Granera, through executive decree allegedly violated term limits prescribed in law at the time. The approval of a new police code and sweeping constitutional changes during the year removed term limits for the national chief of police. NGOs and the press also alleged the NNP continued to provide preferential treatment for progovernment and FSLN rallies.

Impunity was a problem; there was no further investigation regarding numerous allegations of corruption related to a high-profile 2012 narcotics and money-laundering scheme involving high-ranking NNP officials. Likewise, there was no effort to investigate police beatings of and use of excessive force against demonstrators during June 2013 protests in front of the Nicaraguan Social Security Institute; the NNP and prosecutors declared they had no official evidence of the event to continue an investigation despite videos on YouTube and other public media.

Arrest Procedures and Treatment of Detainees

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. While the law also stipulates a prosecutor accompany police making an arrest, CENIDH claimed irregularities in arrest procedures led to arbitrary arrest and detentions. Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. After the initial 48 hours, the suspect should be allowed family member visits. The detainee has the right to bail unless a judge deems there is a flight risk. In most instances detainees were informed of charges against them, although at times there were delays. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly. In July, in the municipality of Madriz, police detained Raul Llanos and reportedly held him without warrant for his arrest while officers questioned him about his alleged involvement with armed groups. Llanos was released after 48 hours with no official explanation for his arrest. Likewise, there were numerous claims by CENIDH and the CPDH of arbitrary arrests during the investigations following the July 19 shootings in the municipality of Matagalpa.

Pretrial Detention: Lengthy pretrial detention continued to be a problem, especially in the RACN and the RACS, where detainees often waited an average of six months for their cases to be presented to a judge. Observers attributed delays to limited facilities, an overburdened judicial system, judicial inaction, and high crime rates. No information was available on the percentage of the prison population in pretrial detention or the average length of time held.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system did not function independently. The law requires vetting of new judicial appointments by the CSJ, a process unduly affected by nepotism, personal influence, or political affiliation. Once appointed, many judges submitted to political and economic pressures that compromised their independence. NGOs complained of a delay of justice caused by judicial inaction and widespread impunity, especially regarding

family and domestic violence and sexual abuse. Authorities occasionally failed to respect court orders.

Trial Procedures

Defendants are presumed innocent until proven guilty. Under the law defendants have the right to be fully informed of the charges against them and the right to a fair trial. Where the law establishes specific time periods for cases to come to trial, most encountered undue delay. Trials are public, but in some cases involving minors or at the victim's request they may be private. The law provides defendants with the option of a jury trial, but certain types of cases (drugs, organized crime, money laundering) do not have the option for a jury trial and must be decided by a judge. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants have the right to adequate time and facilities to prepare a defense and access to all information and evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants can confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense; however, some judges refused to admit evidence on behalf of the defense. Defendants cannot be compelled to testify or confess guilt. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status.

Political Prisoners and Detainees

There was no reliable information available on the number or treatment of political prisoners.

Civil Judicial Procedures and Remedies

The law provides that individuals and organizations can file lawsuits with civil courts to seek damages for human rights violations, but authorities did not always respect court orders.

The lack of an effective civil law system resulted in civil matters being pursued as criminal cases because criminal cases are resolved more quickly.

Property Restitution

The government regularly failed to enforce court orders with respect to seizure, restitution, or compensation of private property. Property owners could not always rely on government authorities to protect their interests. While the law prohibits such actions, several domestic NGOs, individual members of the Catholic Church, and opposition members alleged the government seized minor private property such as laptops, cell phones and vehicles without due process.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the law prohibits such actions, several domestic NGOs, individual members of the Catholic Church, and opposition members alleged the government monitored their e-mail and telephone conversations.

Inhabitants in northern towns, particularly in the departments of Nueva Segovia and Madriz, as well as the RACS and the RACN, alleged repeated government interrogations and searches without cause, related to supposed support for armed groups, while government officials claimed they were confronting common criminals.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, but the government used administrative, judicial, and financial means to limit the exercise of these rights. Although the law provides that the right to information cannot be subjected to censorship, it also establishes retroactive liability, including criminal penalties for libel and slander.

Freedom of Speech: Some individuals suffered reprisals for expressing public opinions on matters of special importance to the ruling party. Salvador Montenegro claimed he lost his position as director of the Aquatic Resources Investigation Center--a research facility and part of the Nicaraguan Autonomous National University--because he expressed concerns that the construction of an interoceanic canal would affect Lake Nicaragua.

Press Freedoms: Independent media were active and expressed a variety of views. The government, however, sought to restrict media freedom through harassment, censorship, and use of national security justifications. Private individuals sympathetic to the government also harassed the media for criticizing the

government. President Ortega occasionally used a law that allowed for government broadcasts of emergency messages to force national networks either to broadcast his speeches or to cease other programming temporarily during those times.

The government continued to use direct and indirect means to pressure and seek to close independent radio stations, allegedly for political reasons. Independent media owners continued to express concern past incidents of vandalism, seizure of broadcast equipment, and criminal defamation charges against outlets created a climate of self-censorship, which the government could exploit to limit press freedom. Independent news outlets reported that generally they were not permitted to enter official government events, were denied interviews by government officials, and received restricted or no access to public information.

Since 2008 the General Law (Law 200) on Telecommunications has been in review in the National Assembly. Until the final reforms to the law are approved or denied, media outlets are unable to apply for new broadcasting licenses. While the validity of existing broadcasting licenses was extended indefinitely, human rights groups and the media criticized the legal insecurity created by the lack of telecommunications legislation.

The Communications Research Center of Nicaragua (CINCO) reported control over television media by the FSLN and President Ortega continued throughout the year. National television increasingly was controlled either by business associates of the president or directly owned and administered by President Ortega's family members. Eight of the 10 basic channels available were under direct FSLN influence or controlled by entrepreneurs with close ties to the government.

In general media outlets owned by the presidential family limited programming to progovernment or FSLN propaganda and campaign advertisements. Press and human rights organizations claimed the use of state funds for official media, as well as biased distribution of government advertising dollars, placed independent outlets at an unfair disadvantage. Independent media asserted the moratorium on granting new government broadcasting licenses, combined with the uncertainties of the National Assembly's protracted telecommunications review, contributed to legal insecurity and shrinking opportunities for private investment. Independent media owners also alleged the government exerted pressure on private business firms to limit their advertising in the independent media.

On December 21, the NNP arrested Belgian photojournalist Michele Sennesael while she was taking photographs in El Tule, Río San Juan, one of the main locations of the protests against the government's planned canal project, and expelled her from the country the following day. Police provided no official explanation for her arrest or deportation. Sennesael reported that police seized her camera, computers, phone, tripods, and other equipment and did not return it to her.

Violence and Harassment: One of the largest daily newspapers, *La Prensa*, claimed government officials and supporters regularly intimidated journalists and CSJ and CSE officials responded aggressively or refused to respond to questions about a variety of problems, especially those involving the constitution, rule of law, and corruption. During the year there were several reported cases of threats and violence against the press. On May 13, police officers harassed two journalists from *La Prensa* while they were covering a protest against the Customs Office in Managua. On July 9, Edgardo Trejos from Channel 2 narrowly avoided being run over by a vehicle assigned to the director of the Center for Medical Supplies (CIPS) while covering a protest against alleged corruption in the center. On July 16, a Noticias 12 reporting team composed of journalist Jeaneth Obando and cameraman Javier Castro were physically harassed by government supporters while covering a protest in front of the Supreme Electoral Council. One government supporter broke the television crew's camera with a baseball bat. Although NNP officers were present, they did not intervene to stop the violence.

Censorship or Content Restrictions: The government continued to penalize independent media outlets by excluding them from official media events and public announcements. Government advertising contracts worth millions of dollars were directed to official media outlets owned or controlled by the Ortega family and supporters. Many journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. In addition media outlet owners exercised self-censorship by choosing not to publish news that affected public perceptions of the government or the FSLN. Slander and libel are both punishable under the law with fines structured around the minimum wage. The penalties for slander and libel range from 120 to 300 days' salary.

The government continued to enforce the controversial Law 528, or "Ley Arce," which print media owners and international NGOs claimed restricted the public's access to independent and opposition newspapers through the establishment of high tariffs and bureaucratic delays on the importation of ink, paper, machinery,

and other printing necessities despite protections in the constitution protecting the right to freedom from tariffs for media. Journalist organizations expressed concern regarding the lack of government support for the media sector and their organizations.

Libel Laws/National Security: Although during the year the government did not use libel laws or cite national security to suppress publications, independent media engaged in self-censorship due to the government's previous use of libel laws.

Nongovernmental Impact: In the period preceding regional elections in the RACS and RACN, starting in January, Radio Voz Evangelica de la Costa Atlantica received multiple threats of closure from government supporters, allegedly because of its critical stance towards the government.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; however, several NGOs claimed the government monitored their e-mail without appropriate legal authority. The International Telecommunication Union reported that 2.17 percent of citizens had fixed broadband subscriptions and 15.5 percent of individuals used the internet in 2013.

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom, and many academics and researchers reported pressure regarding self-censorship. There were no government restrictions on cultural events.

According to the Nicaraguan Educational Forum and the Democratic Federation of Public Sector Workers (FEDETRASEP), since 2007 approximately 3,170 teachers were fired and 110 unions eliminated for political reasons.

Human rights NGOs and civil society groups reported authorities required students in K-12 public schools to participate in progovernment rallies during school. Teacher organizations and NGOs, including FEDETRASEP, alleged continuing FSLN interference in the school system through the firing of non-FSLN teachers and their replacement with party loyalists, use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or children of FSLN members, politicized issuance of scholarships, and use of pro-FSLN education materials.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law recognizes the right to public assembly, demonstration, and mobilization but requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police. CENIDH and the CPDH reported police generally protected or otherwise gave preferential treatment to progovernment FSLN demonstrations while disrupting or denying registration for opposition groups. In many cases police did not protect opposition protesters when progovernment supporters harassed or attacked them. NGOs and the media reported several incidents of abusive police action against opposition rallies and civil society events.

On March 11, a march organized by women's rights groups in commemoration of International Women's Day was obstructed by progovernment sympathizers. In instances where both groups clashed, women's groups claimed police joined the progovernment sympathizers in harassing the women's groups' participants. On July 16, approximately 100 government supporters harassed and used force against 10 protesters from women's groups and the political opposition in front of the CSE. Police took no action to prevent the excessive use of force against the protesters and media covering the incident.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties; however, the CSE and National Assembly used their accreditation powers for political purposes. National Assembly accreditation is mandatory for NGOs to receive donations. Domestic NGOs complained the Ortega administration's control of access to funding from foreign donors reduced their ability to operate.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation. The government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) through humanitarian organizations, such as the International Organization for Migration, in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The National Commission for Refugees--composed of six voting members (three government ministries and three religious organizations) and five nonvoting members from human rights NGOs--is the only entity that may grant refugee status in the country. Asylum for political persecution may be granted only by the executive branch or the country's embassies abroad.

Durable Solutions: According to the UNHCR, the government granted refugee status to 189 persons as of January.

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

The law provides citizens the ability to change their government through free and fair elections; however, the government restricted the exercise of this right.

On January 29, the legislature, where the ruling party held a supermajority, passed constitutional reforms with broad human rights implications that the Ortega administration introduced in October 2013. The reforms give presidential decrees the force of law; allow uniformed military and police officials to hold public office; greatly expand government control over communications, including the internet; allow indefinite re-election; institutionalize FSLN-led Citizen Power Councils (CPCs), to be renamed Family Cabinets ; and extend the terms of public officers indefinitely if the National Assembly did not name new officers and model the government after the state-sanctioned values of "Christianity, Socialism, and Solidarity."

Elections and Political Participation

Recent Elections: The March 2 regional elections in the country's autonomous Caribbean Coast were marred with allegations of institutional fraud and intimidation. Observers alleged military and police officials, as well as citizens from other regions in the country, entered the region with the express purpose of casting extra votes for one particular party. Eyewitness citizen videos, showing residents with Managua identification cards voting on the Caribbean Coast, circulated online via social media. Opposition party members also reported that throughout the Caribbean Coast government vehicles and other public resources were used to transport supporters of the ruling party to voting centers. The indigenous party YATAMA claimed the ruling party had used its control over the CSE to commit fraud. Among the irregularities observed on election day were electoral authorities preventing citizens from voting and violating the right to a secret vote, in addition to complaints some individuals were allowed to vote more than once.

Political Parties and Political Participation: The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. The FSLN made party membership mandatory for an increasing number of public sector employees. The CPDH and FEDETRASEP reported that employees in various state institutions were required to affiliate with the FSLN and that to apply for a government position, an applicant must receive a written recommendation from the FSLN. FEDETRASEP also received reports the FSLN automatically deducted party dues from the paychecks of certain state employees.

The FSLN also used its positions of authority to decide who could obtain national identity cards (cedulas). Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was how the FSLN attempted to manipulate past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists. On February 28, members of the opposition PLI in Siuna reported that locals found a backpack with hundreds of identity cards, allegedly dropped by an inebriated member of a progovernment CPC. The cards belonged primarily to PLI members who were unable to vote in the March 2 regional election. On August 21, in the northern town of Pantasma in Jinotega department, locals found 30 identity cards--

mainly belonging to opposition members--in a latrine. As of the end of October, the CSE had not delivered replacement cards to those affected.

Participation of Women and Minorities: There were 42 women in the 92-seat National Assembly, 10 women in the 29 cabinet-level posts, 66 female mayors, and five women in the 16-member CSJ. Eight persons from indigenous and other ethnic groups were deputies in the National Assembly. A 2012 law mandates women constitute at least half of all candidates on political party candidate lists.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not enforce the law effectively, and officials frequently engaged in corrupt practices with impunity.

Executive branch officials continued to disburse economic and developmental assistance funds lent by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), which averaged more than \$500 million dollars annually, outside the normal budgetary process controlled by the legislature. The media reported that ALBA-funded contracts were awarded to companies with ties to the Ortega family and noted the funds from Venezuela served as a separate budget tightly controlled by the FSLN, with little public oversight.

Independent media, human rights groups, and opposition parties reported President Ortega's administration blurred distinctions between the FSLN and the government through its use of FSLN-led Family Cabinets and CPCs. The government administered subsidized food, housing, vaccinations, access to clinics, and other government benefits directly through the CPCs, which reportedly often coerced citizens into FSLN membership and denied services to opposition members. Persons seeking to obtain or retain public sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CPC block captains. The government continued to devolve legal responsibilities to Family Cabinets, community-based bodies operating in the same fashion as CPCs, specifically regarding mediation processes in cases of domestic violence.

In 2013 the government awarded a 50-year concession--with the possibility of a 50-year extension--to the Hong Kong Nicaraguan Canal Development Investment Company to build and operate an interoceanic canal through the country. The concession was awarded with little or no previous public debate nor through an

openly competitive process. Due mainly to lack of information regarding the concession process, protection of property rights, environmental impact, and cost analysis, many sectors expressed concern over the project.

Corruption: The courts remained particularly susceptible to bribes, manipulation, and other forms of corruption, especially by the FSLN and drug cartels, and there were reports the FSLN heavily influenced CSJ rulings.

Financial Disclosure: Public officials were subject to financial disclosure laws. The law requires these declarations be made public and provides for sanctions in cases of noncompliance. The Office of the Comptroller is responsible for combating corruption within government agencies and offices. Observers, however, questioned the impartiality of the comptroller, especially in regard to the lack of oversight of ALBA funds given directly to the government. Since 2007 the comptroller had not investigated any government office or mandated sanctions due to noncompliance as required by law.

Public Access to Information: Although the law mandates public access to government information and statistics, lack of transparency and access to information remained serious problems. Delays and denial of information were common, while appeals mechanisms were overly burdensome and slow. Control over government information is centralized through the Communication and Citizenship Council, headed by First Lady Rosario Murillo, but there is no provision for that office in the law. Media and civil society organizations, such as CINCO and Foundation Violeta Barrios de Chamorro, repeatedly reported that requests for official information without express authorization from the council were often refused. The law provides for exceptions to disclosure in cases related to national security and trade secrets. There are no mandated timelines for compliance with disclosure requests.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A variety of domestic and international human rights groups operated in the country. Although organizations dedicated to humanitarian activities generally operated without restriction, government officials harassed and intimidated domestic and international NGOs that were critical of the government or the FSLN. Some NGOs continued to report that intimidation by government officials created a climate of fear intended to suppress criticism. The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating

in government social programs, such as Programa Amor and Hambre Cero, and frequently used FSLN-controlled CPCs to administer these programs. Tightened government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate.

Domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as pressure from state authorities. Many NGOs believed comptroller and tax authorities audited their accounts as a means of intimidation. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy. While legally permitted, audits were a common form of harassment and often used selectively, according to NGOs.

NGOs reported encountering hostility or aggression when questioning or speaking with officials on subjects such as corruption and rule of law.

The United Nations or Other International Bodies: During the 2014 UN Universal Periodic Review, Nicaragua received 209 recommendations, mostly related to human rights, access to information, and protection of the rights of minorities. The government noted 48 of the recommendations and supported 161.

During the Inter-American Commission on Human Rights' August 11-15 special session, the commission expressed the importance of visiting the country. The commission made this request several times throughout its previous sessions and received a promise from the government to process its request. By the end of the year, the commission had not received a formal invitation to visit the country.

Government Human Rights Bodies: In April the administration named Omar Cabezas as head of the Office of the Ombudsman for Human Rights (PDDH). His term had expired and was extended by presidential decree at a time when the National Assembly was supposed to approve appointments. Constitutional changes approved during the year allow for the automatic extension of terms for public officers if the National Assembly has not made a decision on their replacement or reinstatement. The public perceived the PDDH as politicized and ineffective.

The National Assembly operated a human rights committee focused primarily on amnesties and pardons. Civil society organizations viewed the committee as deadlocked by partisan political forces and lacking credibility.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status; however, the government did not regularly enforce these legal prohibitions. Persons thus discriminated against filed few discrimination suits or formal complaints due to a belief their complaints would not be addressed and could lead to negative outcomes for those filing.

Women

Rape and Domestic Violence: The law criminalizes spousal and all forms of rape, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years, or 15 years in cases of aggravated rape. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. The government failed to enforce the law effectively, however, leading to widespread impunity and increased violence. Many women were reluctant to report abuse due to enforced medical examinations for survivors of rape and other sexual crimes, social stigma, fear of retribution, impunity for perpetrators, and loss of economic security. While the law provides for the issuance of restraining orders, problems in the effective enforcement of such mandates continued, and they were not perceived as effective. During the year observers reported a general increase in sexual crimes against women compared with 2013. The NNP reported 1,659 cases of rape and aggravated rape and 3,087 cases of sexual abuse in 2012, the most recent data available. Between January and November 2012, the NNP reported 3,839 cases of domestic violence. There were no comprehensive statistics available on investigations, prosecutions, or convictions.

Violence against women remained high, according to domestic NGO reports. The NGO Network of Women against Violence (RMCV) reported that by the end of the year 71 women were killed and of that number, many were raped, beaten, or maimed. The NGO reported that during the past seven years, the rate of such violence more than tripled, with an accompanying increase in the severity of the crimes. In June NNP Commissioner General Francisco Diaz publicly declared there had been 18 femicides since the beginning of the year, while women's rights organizations reported 45 femicides in the same period, leading many of the organizations to claim police were trying to understate the level of violence against women.

On July 31, the president issued a decree on regulations for law 779 regarding violence against women. NGOs claimed the president, through these regulations, modified the law without legal authority to do so. The new regulations define femicides as crimes committed by a man against a woman in the context of an interpersonal relationship that result in a woman's death. In contrast, the law states an interpersonal relationship does not need to exist for a woman's death at the hands of a man to qualify as a femicide. CENIDH and women's rights organizations criticized the change, claiming such a limited definition essentially destroys the spirit of the law. Additionally, the decree establishes that FSLN-led Family Cabinets are among the institutions that are to provide family counseling or mediation before cases of aggression are filed with the police, leading to concern over political party involvement in private affairs.

NNP 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. During the year 162 NNP women's commissariats operated in the country, 71 more than in 2012. Commissariats often lacked sufficient equipment and funding to discharge their responsibilities adequately. There were two government-operated and 11 nongovernmental shelters dedicated to female victims of violence or abuse. Women's groups asserted the modest number of shelters did not adequately serve the population's needs, especially on the Caribbean Coast, where only one shelter (nongovernmental) operated in the RACN.

Female Genital Mutilation/Cutting (FGM/C): While there is no law that prohibits FGM/C, the practice was virtually nonexistent in the country.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face one- to three-year sentences, or three to five years if the victim is under 18. Sexual harassment likely was underreported due to the failure of authorities to consider the abuse seriously and victims' fear of retribution.

Reproductive Rights: The Ministry of Health's family-planning norms provide couples and individuals with the right to decide the number, spacing, and timing of their children; to have the information and means to do so; and to attain the highest standard of reproductive health, free from discrimination, coercion, and violence. Emergency health care was generally provided, including for complications arising from abortions. Access to information about contraception, skilled attendance at delivery, and postpartum care were available in most urban areas, and coverage improved in rural and remote areas, such as the Caribbean Coast. Observers noted

the Ministry of Health made progress in quality, coverage, distribution, and usage of contraceptives through successful family planning programs.

Women in some areas, such as the RACN and the RACS, did not have widespread access to medical care or programs, and maternal death was more likely to affect poor rural women than their urban counterparts.

Discrimination: The law provides equality for both genders, including within the family and workplace, and concerning property ownership, and the NNP Office of the Superintendent of Women is responsible for enforcement. Nevertheless, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses (see section 7.d.). According to the 2013 Gender Gap Report, women earned 43 percent less than men for equal work. Women were much less likely to be senior officials or managers. Authorities often discriminated in property matters against poor women who lacked birth certificates or identity cards. The Office of the Human Rights Ombudsman's Special Prosecutor for Women and the Nicaraguan Women's Institute, the government entities responsible for protecting women's rights, had limited effectiveness.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Local civil registries register births within 12 months; however, many persons, especially in rural areas, lacked birth certificates. Persons without citizenship documents were unable to obtain national identity cards. Persons without national identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. The government continued to register newborns through service desks in public hospitals and through "social-promoter" programs that visited rural neighborhoods. MiFamilia, the Civil Registry, and, to a lesser extent, the CSE are the agencies responsible for registering births but they did not make data available.

Child Abuse: The NNP reported that during the first half of 2012, the most recent period for which data was available, authorities received 2,852 complaints of sex crimes against adolescent girls and brought charges in 82 percent of those cases. By the end of 2012, the NNP's reported cases of sexual violence against minors accounted for approximately 7 percent of total sexual violence cases.

Human rights groups expressed concern over levels of child pregnancy throughout the country. The UN Children's Fund's (UNICEF) *2013 State of the World's Children* reported that 28 percent of women 20 to 24 years of age gave birth before age 18.

Early and Forced Marriage: The minimum legal age for marriage is 18 for girls and 21 for boys; with parental authorization it is 14 and 15, respectively. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's *2013 State of the World's Children* reported 41 percent of women 20 to 24 years of age were first married or in a union by age 18 (10 percent of them by age 15). No information was available on government efforts to address or prevent forced and early marriage, and some advocates claimed the government did not enforce the law effectively.

Female Genital Mutilation/Cutting (FGM/C): While there is no law that prohibits FGM/C, the practice was virtually nonexistent in the country.

Sexual Exploitation of Children: The law prohibits adults from promoting or participating in child prostitution, and the government generally enforced the law. Penalties include four to 10 years in prison for a person who entices or forces a child under age 12 to engage in sexual activity, and one to five years in prison for the same acts involving persons between the ages of 12 and 18. The law defines statutory rape as sexual relations with children who are 13 or younger. Several NGOs reported sexual exploitation of young girls was common, as was the prevalence of older men (including foreigners) who exploited young girls under the guise of providing them support. The NNP reported 422 cases of statutory rape and aggravated statutory rape in 2012, the most recent year for which statistics were available.

The law also prohibits promoting, filming, or selling child pornography, and the government generally enforced this law. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor younger than 16 for sexual or erotic purposes, or forcing such a person to watch or participate in such an act, is five to seven years in prison. If the victim is older than 16 but under 18, the penalty is reduced to four to six years in prison.

The country was a destination for child sex tourism. The law imposes a penalty of five to seven years in prison for convicted child sex tourism offenders. There were anecdotal reports of child sex tourism in the Granada, Rivas, Chinandega, and Managua departments; there were no officially reported cases during the year.

International Child Abductions: The country is a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report at travel.state.gov/content/childabduction/english/country/nicaragua.html.

Anti-Semitism

The Jewish community numbered fewer than 50 persons. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such discrimination was widespread in employment (see section 7.d.), education, transportation, access to health care, and the provision of state services. Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor, and the PDDH are among government agencies responsible for the protection and advancement of rights for persons with disabilities. The government did not enforce effectively the law with regard to the protection of such individuals; did not mandate accessibility to buildings, information, and communications; and did not make information available on efforts to improve respect for the rights of persons with disabilities. Independent media reported that less than 1 percent of public sector employees hired were persons with disabilities, although that percentage is mandated by law, and public institutions did not sufficiently coordinate with the Labor Ministry regarding the rights of persons with disabilities.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. The law did not restrict persons with disabilities' right to vote, although many voting facilities were not accessible to persons with disabilities. Complaints continued regarding the lack of an accessible public transportation system in Managua. While some buses were accessible to persons with disabilities, reports continued that drivers of these equipped buses

either refused to stop to allow persons with disabilities to board or intentionally broke lift and ramp equipment on their buses. The press reported the Managua Mayor's Office sponsored relevant training for bus drivers through transportation cooperatives. The PDDH special prosecutor for disability rights was active throughout the year. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

National/Racial/Ethnic Minorities

Various indigenous and other ethnic groups from the RACN and the RACS attributed the lack of government resources devoted to the Caribbean Coast to discriminatory attitudes toward the ethnic and racial minorities in those regions. While the racial makeup of the RACN and the RACS historically has been black and Amerindian, increasing migration from the interior and Pacific Coast of the country made these groups a minority in many areas.

Exclusionary treatment based on race, skin color, and ethnicity was common, especially in higher-income urban areas. Darker-skinned persons of African descent from the RACN and the RACS, along with others assumed to be from those areas, experienced discrimination, such as extra security measures and illegal searches by police.

Indigenous People

Indigenous people constituted approximately 5 percent of the population and lived primarily in the RACN and the RACS. They did not always participate in decisions affecting their lands, cultures, and traditions or the exploitation of energy, minerals, timber, and other natural resources on their lands. Individuals from five major indigenous groups--the Miskito, Sumo/Mayangna, Garifuna (of Afro-Amerindian origin), Creole, and Rama--alleged government discrimination through underrepresentation in the legislative branch.

Indigenous people from rural areas often lacked birth certificates, identity cards, and land titles. Although they formed political groups, these often held little sway and were ignored or used by major national parties to advance the latter's own agendas. Most indigenous people in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many. The rates of unemployment, illiteracy, and truancy of school-age children were among the highest in the country. Some indigenous groups continued to lack

educational materials in their native languages and relied on Spanish-language texts provided by the national government.

NGOs and indigenous rights groups claimed the government failed to protect the civil and political rights of indigenous communities. Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status. The National Commission of Demarcation and Titling, Attorney General's Office, and Nicaraguan Institute of Territorial Studies worked slowly to demarcate effectively indigenous lands. This demarcation process was not yet completed.

Some indigenous communities in the RACN and the RACS continued to report authorities excluded them from meaningful participation in decisions affecting their lands and natural resources. Representatives of autonomous regions and indigenous communities regularly noted the government failed to invest in infrastructure. Throughout the year indigenous leaders alleged logging concessions granted to private firms and government-affiliated businesses, such as ALBA-Forestal, by the regional and national governments continued to operate in violation of national autonomy laws in the RACS and the RACN.

Indigenous groups were increasingly concerned about a concession to a private enterprise to build an interoceanic canal that would cross certain parts of indigenous community territory. Indigenous groups are not members of the Grand Canal Authority, which oversees the implementation of the canal project. The law protects indigenous communal land from being sold or expropriated. While no land had been expropriated, the community alleged the government did not follow required consultative procedures with the indigenous population before granting the concession or creating the administrative body. There were a limited number of presentations on the canal to indigenous populations, but groups continued to claim information was scarce.

Violations of indigenous lands in the Bosawas Biosphere Reserve, RACN, continued, according to press reports. The Mayangna indigenous group, which has territorial rights to much of the Bosawas Reserve, strongly criticized the government's unwillingness to prevent alleged land grabs by nonindigenous settlers, as well as illegal logging and other exploitation of natural resources.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Although sexual orientation is not mentioned specifically, the law states all persons are equal before the law and provides for the right to equal protection. LGBT persons, however, continued to face widespread societal discrimination and abuse, particularly in housing, education, and employment (see section 7.d.). While the special prosecutor for sexual diversity was active throughout the year in education, information collection, and collaboration with NGO efforts, the LGBT community generally believed the office had insufficient resources. No specific laws existed to punish hate crimes against LGBT groups.

HIV and AIDS Social Stigma

The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services, but such persons continued to suffer societal discrimination. A lack of awareness and education among health-care professionals and the public persisted regarding the prevention, treatment, and transmission of HIV/AIDS, leading to social stigma.

The Ministry of Health issued a nondiscrimination administrative resolution establishing methods to issue complaints against health workers in cases of discrimination against sex workers or HIV/AIDS patients, or on the basis of gender orientation. The resolution also establishes sanctions for health workers who are found to have discriminated against patients for these reasons. LGBT organizations believed the Ministry of Education and other public offices should issue similar administrative resolutions.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all public and private sector workers, with the exception of those in the military and police, to form and join independent unions of their choice without prior authorization and to bargain collectively. The constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Nevertheless, employers routinely used their right to obtain the Ministry of Labor's permission to dismiss any employee, including union organizers, immediately after being reinstated, provided the employer agrees to pay double the usual severance pay. Burdensome and lengthy conciliation procedures impeded workers' ability to call strikes. Additionally, if a strike

continues for 30 days without resolution, the Ministry of Labor has authority to suspend the strike and submit the matter to arbitration.

A collective bargaining agreement cannot exceed two years and is renewed automatically if neither party requests its revision. Companies in disputes with their employees must negotiate with the employees' union, if one exists. By law several unions may coexist at any one enterprise, and the law permits management to sign separate collective bargaining agreements with each union.

With some exceptions the government effectively enforced applicable laws and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. The law does not establish specific fines, and observers claimed penalties were generally insufficient to deter violations. Although the law establishes a labor court arbitration process, it was subject to long wait times and lengthy and complicated procedures, and many labor disputes were resolved out of court. The Labor Ministry claimed 98 percent of cases resulted in a ruling favorable to the worker and reported 1,060 labor disputes in the courts over the first half of 2012, according to the latest information available. Labor and human rights organizations continued to allege rulings were often unfavorable to workers.

Freedom of association and the right to collective bargaining were generally respected, but, as with other independent groups, the government often intervened based on politically motivated interests. Most labor unions allied themselves with political parties. There continued to be reports the government interfered in union activities in the public sector, including illegal dissolution of unions and firing of workers not associated with the ruling FSLN. FEDETRASEP reported that since 2007 government ministries illegally disbanded 177 unions. Former ministry employees and human rights and labor organizations alleged pro-FSLN public sector unions used intimidation and coercion to recruit new members, often pressuring workers to leave non-FSLN unions.

Politically motivated firings of workers continued to be a problem. FEDETRASEP reported the firings were carried out for political reasons, such as refusal of the worker to join the FSLN or participate in FSLN demonstrations, and alleged CPC coordinators or other party officials required a letter of recommendation to obtain a public sector job. Since 2007, according to FEDETRASEP, 27,390 public sector employees were fired without just cause or due process of law. FEDETRASEP reported more than 726 million cordobas (\$27.5 million) in unpaid severance benefits to these public sector employees. The

Central American Court of Justice accepted four cases against the government in 2012 for not abiding by previous judgments in favor of five state workers who had not been paid severance. In 2012 the court ruled in favor of state workers in each of the four cases; however, no financial awards had been paid by year's end. The court also ruled in favor of 10 former PDDH employees, fired in 2009 due to union affiliation. At year's end none of the state workers had been reinstated or received severance payment, despite the favorable ruling. FEDETRASP argued similar instances of public sector employees being fired without receiving severance pay continued to occur as of October.

There were no known high-profile documented instances of strikes being declared illegal during the year. Wildcat strikes--those in which workers engaged without union authorization--have historically been common. During a strike employers cannot hire replacement workers, but unions alleged this practice was common.

Employers interfered in the functioning of workers' organizations and committed other violations related to freedom of association and collective bargaining. Labor leaders noted employers routinely violated collective bargaining agreements and labor laws with impunity.

Many employers in the formal sector continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers--especially public sector employees--or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions that lacked independence and frequently using contract workers to replace striking employees. There were reports party dues were automatically deducted from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for violations range from five to eight years in prison but were generally insufficient to deter violations. There was no information available regarding government enforcement of these laws, but civil society groups and international organizations reported an increase in government activities against trafficking in persons, including labor trafficking, during the year.

Observers noted there were reports of forced labor during the year, including reports of men, women, and children subjected to forced labor in agriculture and domestic servitude.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The law establishes the minimum age for employment at 14 and limits the workday for any individual between ages 14 and 18 to six hours and the workweek to 30 hours. Those between 14 and 16 must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places the Ministry of Labor considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The law provides for eight-year prison terms and substantial fines for persons employing children in dangerous work and permits inspectors to close those facilities.

The government used its limited resources to concentrate on child labor violations in select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector. In 2012, the most recent year for which public statistics were available, the Labor Ministry reported it conducted 1,465 special inspections related to child labor.

The government continued Programa Amor, which aimed to eradicate child labor by reintegrating abandoned children into society. Information on the program's activities, funding, and effectiveness remained unavailable.

Child labor remained widespread. A 2013 International Labor Organization national survey of adolescent and child labor estimated there were 238,800 working children between five and 17 years old, of whom 80 percent performed high-risk labor and 36 percent were younger than 14. According to the National Institute of Development Information, almost 320,000 children worked in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the institute stated 80 percent of children and adolescents were unpaid workers.

Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee, rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; crushing stone; street performing; and transport.

Children working in agriculture suffered from sun exposure, extreme temperatures, and dangerous pesticides and other chemicals. Children working in the fishing industry faced polluted water and dangerous ocean conditions.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment or Occupation

Labor laws and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not effectively enforce these laws and regulations.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, sexual orientation, and gender identity (see section 6).

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. It is calculated differently for each sector, and the average was 4,259 cordobas (\$161) per month. According to the Ministry of Labor, the average legal minimum wage covers 35 percent of the cost of basic goods.

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. There are 10 paid national holidays per year. The law mandates premium pay for overtime, prohibits compulsory overtime, and sets a maximum of three hours of overtime per day not to exceed nine hours per week. The law establishes occupational health and safety standards. Such standards were not current or appropriate for the main production activities in the country.

The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. According to the most recent data available, during the first six months of 2012, the Labor Ministry reported conducting 1,276 health and safety inspections and registered 6,820 workplace accidents, including 13 registered deaths.

In general the minimum wage was enforced only in the formal sector. The Ministry of Labor maintained a hotline for complaints of labor violations and reported receiving 4,620 calls in the first six months of 2012. The ministry is the primary enforcement agency, but the government did not allocate adequate staff or resources to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health provisions. Established penalties were generally sufficient to deter violations.

Health and safety standards were not widely enforced in the large informal sector, estimated to be between 60 and 70 percent of the economy. The informal sector included the bulk of workers in street sales, agriculture and ranching, transportation, domestic labor, fishing, and minor construction. Legal limitations on hours worked often were ignored by employers, who claimed workers readily volunteered for extra hours for additional pay. Violations of wage and hour regulations were common and generally not investigated in the large informal sector, particularly in street sales, domestic work, and agriculture. Compulsory overtime was reported in the private security sector, where guards often were required to work excessive shifts without relief.

By law workers can remove themselves from situations that endanger their health or safety without jeopardy to their employment. Authorities may not have effectively protected employees in all such cases.