



Nicaragua

Country Reports on Human Rights Practices - [2007](#)

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Nicaragua is a constitutional democracy with a population of approximately 5.7 million. On January 10, Daniel Ortega of the Sandinista National Liberation Front (FSLN) was sworn in as president, following November 2006 elections that international observers characterized as generally free and fair. While civilian authorities generally maintained effective control of the security forces, there were instances in which elements of the security forces acted independently.

The most significant human rights abuses during the year included: harsh prison conditions; arbitrary application of justice, lack of respect for the rule of law, and widespread corruption and politicization of the judiciary, the Supreme Electoral Council (SEC), and other government organs; intimidation and harassment of journalists and undermining of press freedom; intimidation of nongovernmental organizations (NGOs); politicization of the Office of Human Rights Ombudsman; domestic violence; violence against children and widespread child labor; discrimination against indigenous communities; discrimination against homosexuals and persons with HIV/AIDS; trafficking in persons; and violations of trade union rights, especially in free trade zones (FTZs).

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. However, NGOs, the media, and private citizens complained to the Nicaraguan National Police (NNP) about alleged unlawful killings by police officers. Although the courts rarely found officers guilty, 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.

On March 20, an unknown number of assailants reportedly wearing army and police uniforms fatally shot Villanueva Delgadillo Obando, the mother of three of five suspected cattle thieves tortured on January 12 in Nueva Guinea by a police and army team. On August 6, assailants also wearing army and police uniforms fatally shot Villanueva Delgadillo Obando's husband, Gilberto Artola Delgadillo. Before killing Gilberto Delgadillo, the assailants reportedly forced him to watch them rape his daughter and granddaughter. In August the Nicaraguan Center for Human Rights (CENIDH) filed a complaint regarding the killings and related abuses of the Delgadillos with the Office of the Attorney General and in September reported the matter to the Inter-American Commission on Human Rights (IACHR). In October police arrested three suspects, who were awaiting trial at year's end.

The NGO Association of the Friends of Police in Nueva Guinea reportedly financed and assisted local cattle ranchers to undertake vigilante justice killings of alleged thieves. The public prosecutor in Nueva Guinea then launched an investigation into local police involvement. At year's end there was no further information regarding the status of the case.

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, human rights and other NGOs received complaints that police used excessive force, causing injuries to criminal suspects during arrests. The NGO Center for the Prevention of Violence reported that police used excessive force in the arrest of adolescent boys suspected of criminal activity, including gang violence and drug trafficking. By year's end there were no comprehensive inspector general statistics on the volume of these cases.

CENIDH reported to police authorities and media that on January 12, in Nueva Guinea Department a police team, supported by two army officers, apprehended and tortured five men suspected of cattle theft. CENIDH stated that police authorities failed to seek medical treatment for the injured detainees. Between February and March the inspector general took disciplinary action against the Nueva Guinea officers suspected of involvement in the incident, which resulted in the dishonorable discharge of Officer Lidia Bermudez Gonzalez and the suspension of Nueva Guinea Chief of Police Edgardo Porfirio Coronado, Captain Misael Enoc Hurtado Aragon, and Lieutenant Jose Joaquin Gutierrez Velasquez.

Prison and Prison Detention Center Conditions

Prison conditions remained harsh. Although the Ministry of Government acknowledged the need to upgrade and modernize the prison system, the ministry continued to lack resources to deal effectively with overcrowding; antiquated and inadequate infrastructure; and lack of sanitation, food, and medical supplies. The government did not report statistics regarding the entire prison population but estimated that the number of inmates continued to exceed the capacity of prisons and police holding cells. Bluefields Prison in the Southern Atlantic Autonomous Region (RAAS) held 118 inmates in a facility designed for 40 prisoners.

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, were vermin infested, and had inadequate electric and sewage systems. Holding cells were poorly ventilated, unhygienic, and overcrowded. Suspects regularly were left in holding cells during trial because budgetary shortfalls restricted the use of fuel for transfer via vehicle to distant courtrooms.

In June authorities put inmate Manuel Ignacio Lacayo, who was imprisoned for failure to pay court-ordered child support, in a cell with a convicted murderer. Media reported that authorities denied Lacayo visitors and medical attention for his heart condition. Several civil society groups asserted that Lacayo's incarceration was an act of political retribution by the government due to Lacayo's membership in an opposition party.

According to a 2007 Bluefields Indian and Caribbean University (BICU) study, pretrial detainees were held with convicted prisoners in Bluefields Prison. There were no special cells for juveniles; adolescent prisoners shared cells with adults. Women and men were held separately. Although conditions for female inmates reportedly were slightly better than those for male prisoners, prisons for women were overcrowded and lacked sufficient beds. The La Esperanza women's prison held 215 inmates in a facility with a capacity for 141 prisoners. In May an Association for the Defense of Women's Rights study reported that by the time they completed their sentences, a majority of female prisoners suffered serious mental and physical health problems. Although the government permitted some prison visits by local and international human rights observers, in certain instances it restricted prisoners' access to visitors, attorneys, physicians, and human rights officials.

Civil society groups and members of opposition political parties stated that on a number of occasions authorities denied them access to prisons, prevented them from interviewing detainees, and were unresponsive to their requests for information about prisoners and access to prisons. At times the government did not grant access to foreign government representatives to meet with their nationals in the country's prisons.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government observed these prohibitions, with some exceptions.

Role of the Police and Security Apparatus

The NNP is a single, unified force responsible for law enforcement throughout the country and is controlled by the Ministry of Government. There were 9,473 officers and civilian personnel in the NNP and 1,532 voluntary police, who filled staffing gaps in some areas. Due to lack of adequate police presence, citizens in remote parts of the country engaged in vigilante justice.

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

Inadequate budget support for the NNP hampered efforts to improve police performance and resulted in a continuing shortage of officers. Low salaries rendered police officers susceptible to bribes, corruption, and drug trafficking, and volunteer police officers lacked training and professionalism to undertake effective law enforcement. Bluefields Provisional Court Judge Martin Henriquez Sotelo stated that the police force of the RAAS lacked the minimum resources and means to provide law enforcement to the department's remote and isolated communities. There was no physical police presence on Little Corn Island in the RAAS.

The army provided limited support in rural areas, primarily for combating drug trafficking. The IG investigated and

remanded corruption cases of lower-level officers to the court system; it punished some officers through internal administrative measures. Impunity continued to be a problem within the police force.

Between January and October Police Commissioner Aminta Granera forced the retirement of 40 high-ranking NNP police officers on corruption charges.

Between January and November the Office of Internal Affairs investigated 2,190 cases of alleged police misconduct, including excessive force, searches without warrants, and unlawful use of firearms, among the professional and volunteer police force. Of these cases, 738 officers were sanctioned, including 152 who were dishonorably discharged. The office determined that of 1,286 complaints filed against police, 69 percent were human right violations, 19 percent were acts of corruption, and the remaining 11 percent were common offenses or minor infractions. Out of 1,456 police officers investigated for human rights problems, 377 were sanctioned with 21 dismissals, nine demotions, and 347 disciplinary actions.

Police trainees are required to receive human rights instruction to graduate from the police academy and become officers, and police officers must be certified annually in human rights awareness. Between January and October the police academy trained 1,141 officers and trainees in human rights principles. The authorities also taught specialized human rights courses to another 839 officers. The army included human rights training in its curriculum.

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 suspect released or transferred to jail. Few prisoners were held illegally beyond the 48-hour deadline. After the initial 48 hours, the suspect has access to bail, visits from family members, and legal representation. According to the BICU study, the national police in Bluefields often arrested suspects without informing them of their rights or of the charges against them, and denied detainees the right to contact a relative or confidant about their arrest.

Arbitrary lengthy pretrial detention was a problem.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and politicization and in practice did not function independently. 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. Human rights and lawyers' groups complained about the delay of justice caused by judicial inaction and impunity, especially regarding family violence and sexual abuse.

Trial courts continued to render controversial judgments in cases involving alleged drug traffickers. On December 14, a jury in Rivas found not guilty of wrongdoing three alleged drug traffickers suspected of killing an undercover police officer during a July ambush. The authorities freed the suspects the same day. Despite evidence against the defendants, media reported that jury members reportedly were afraid to decide in favor of convicting the suspects due to fear of retribution.

Although the Judicial Career Law requires that new judicial appointments be vetted through a procedural process, in October an ad hoc commission of the Supreme Court of Justice named four judges to the Family Court without following the vetting requirement.

In March Director of the National Penitentiary Carlos Sobalvarro relaxed the 2005 house arrest restrictions on former president Arnoldo Aleman, convicted in 2003 of money laundering, fraud, and corruption, allowing Aleman to move freely throughout the country. Legal rights experts asserted that the director's decision violated the penitentiary law, which does not contemplate the release from house arrest of convicted persons. On December 13, two Managua Court of Appeals judges rendered a final decision that upheld the 2003 conviction and returned Aleman to house arrest for medical reasons.

The judicial system comprises both civil and military courts. The 16-member Supreme Court of Justice is the system's highest court, administers the judicial system, and nominates all appellate and lower court judges. The Supreme Court of Justice 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 Office of the Prosecutor under the Public Ministry has the authority to investigate criminal and civil matters. 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 law extends the above rights to all citizens regardless of gender, ethnicity, disability or other status.

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 rather than face the prospect of detention in jail. This civil-based criminal caseload continued to divert resources from an overburdened prosecutor.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides that persons can file 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 the enforcement of domestic court orders.

f. Arbitrary Interference with Privacy, Family, Home, 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

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice; however, several constitutional provisions potentially qualify freedom of the press. The constitution stipulates that citizens have the right to "accurate" information, interpreted as granting the government the right to alter information it deems inaccurate. Although the right to information cannot be subject to censorship, the law establishes retroactive liability, implying the potential for sanctions against the press. During the year the government did not invoke these provisions.

On December 20, the attorney general created a freedom of access to information office to serve as the government institution responsible for carrying out the freedom of access to information law.

Upon assuming office on January 10, President Ortega appointed his wife, Rosario Murillo, as director of the Communications and Citizenry Council to oversee the executive's press relations and public information. Legal rights advocacy groups claimed that the appointment violated the constitution. Journalists complained that the government restricted media access to information, offered preferential treatment to media loyal to the FSLN party, intimidated media outlets and journalists into self-censorship, and otherwise hampered the integrity of an independent media. On March 1, the Communications and Citizenry Council signed an agreement with the civil society group College of Journalists to convoke monthly meetings with reporters to discuss press freedom and the reallocation of state-funded publicity, upon which small- and medium-sized media depended. By year's end the council had not held any meetings or responded to journalists' appeals to distribute state-funded advertising on an equal basis among media.

There were instances of threats and acts of aggression against journalists. On December 16, political cartoonist for *La Prensa* Manuel Guillen and his family received anonymous death threats via electronic text message. At year's end there was no information regarding any investigation of the threats.

Media reported that Marisol McRea Quiroz, FSLN mayor of San Carlos in Rio San Juan Department, and other government officials shut down two radio programs in August for refusing to comply with government demands to stop criticizing municipal authorities.

Despite a constitutional provision providing tax exemption, in September customs authorities impounded printing materials imported by *La Prensa*, until the company paid import duties. *La Prensa* asserted that the impoundment was government harassment of large media. Two weeks later the government returned the impounded materials.

By year's end there were no developments regarding the October 2006 complaint filed with the Public Ministry, the SEC,

and the public prosecutor by journalists Miguel Figueroa Rugama, Fannuel Ubeda Henriquez, and Leonidas Rodriguez, who received death threats from a group of FSLN supporters while covering a preelection Ortega campaign caravan.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Frequent power outages and infrastructure problems hampered citizens' access to Internet and e-mail services.

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, which requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police.

The government generally respected this right in practice.

Freedom of Association

The law provides for this right, including the right to organize or affiliate with political parties, and the government generally respected it in practice. The law does not permit private associations to conduct private fundraising or receive public financial support without authorization from the National Assembly.

c. Freedom of Religion

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

All religious organizations are required to register for legal standing. The government's requirements for legal recognition of a religious group are similar to its requirements for other private associations. Following National Assembly approval, a religious organization must register with the 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 [2007 International Religious Freedom Report](#).

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

The law provides for freedom of movement within the country and freedom to travel and emigrate, and the government generally respected these rights in practice.

Protection of Refugees

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. There was no information available regarding the government's cooperation with the Office of the UN High Commissioner for Refugees (UNHCR) relating to protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits 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. 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 there is reason to believe they feared persecution. There was no information available on the number of people granted refugee status or asylum by the government during the year.

Stateless Persons

Citizenship is derived by birth within the territory, from one's parents, or through a formal naturalization process. Many persons, especially in rural areas, had not been registered and given a birth registration certificate, which is required for demonstrating citizenship. Although there were no statistics available on the number of persons without birth registration certificates, there were reports that poor women and youth were most likely to lack certificates. Persons without citizenship documents were unable to participate in the legal economy, conduct bank transactions, and in practice were subject to other restrictions in employment, access to courts, and land ownership. There were reports that women and children lacking citizenship documents were vulnerable to sexual exploitation by traffickers.

The government did not effectively implement laws and policies to provide citizens living outside of the country access to citizenship documents on a nondiscriminatory basis.

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

The law provides citizens 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 January 10, Daniel Ortega of the FSLN was sworn in as president, following November 2006 elections that international observers characterized as generally free and fair. The final results of the election were not publicly released.

There continued to be widespread concerns that the two main political parties, the FSLN and the Constitutional Liberal Party, controlled and manipulated the SEC to limit distribution of documents to all eligible citizens, and that department-level council magistrates arbitrarily denied to persons citizenship and voting registration documents.

Political opposition groups, lawyers, and civil society organizations stated that the government's November 30 installation of the Citizen Power Councils (CPCs) under executive branch control violated the rule of law, politicized citizen participation along party lines, and established a vertical power structure that undermined civil society. Although the executive branch failed in September to obtain enough National Assembly votes, President Ortega vetoed National Assembly reforms to the Law of Citizen Participation that would have restricted the installation of the CPCs within the executive branch. On November 30, the president issued a decree declaring the formal establishment of the CPCs. On December 5, three FSLN justices and their alternates of the Constitutional Chamber of the Supreme Court of Justice upheld the presidential decree. However, Chief Justice Manuel Martinez and other justices rejected as illegal the executive decision to create the CPCs. At year's end all CPCs operated from local FSLN offices and were chaired only by local FSLN party secretaries.

Political parties could operate without restriction or outside interference.

There were 19 women deputies in the 92-seat National Assembly, five women justices in the 16-member Supreme Court of Justice, and five women in the 13 cabinet-level posts. No specific National Assembly seats were set aside for women or minorities. Seven persons from indigenous groups in the Northern Atlantic Autonomous Region (RAAN) and the RAAS were deputies in the National Assembly.

Government Corruption and Transparency

The law does not specify particular corruptive practices or make it a crime to cause monetary damage to the state. There was widespread public perception of corruption and political deal making in many government institutions, including the judiciary, the National Assembly, the SEC, the Office of the Comptroller General, the Office of the Human Right Ombudsman, and the Office of the National Prosecutor. The World Bank's worldwide governance indicators reflect that corruption was a serious problem. Authorities continued the 2006 investigation of Human Rights Ombudsman Omar Cabezas for using government funds for personal benefit.

There were instances in which the government manipulated the administration of justice. Civil society organizations complained that the June 27 removal of Deputy Alejandro Bolanos Davis from the National Assembly, through a collaborative effort by the Supreme Court of Justice, the National Assembly leadership, and the CSE, violated due process and constituted political retribution. In May Bolanos had questioned publicly the legality of several real property transactions made by FSLN party officials with close ties to the executive branch.

The Office of the Comptroller is responsible for monitoring the compliance of government officials and institutions with anticorruption laws.

The law allows citizens the right to petition and access information from the government. Some journalists and civil society representatives expressed concerns about certain provisions of the law, including a prohibition on the public release of information on the personal finances of government officials, which conflicts with another provision requiring financial disclosure by high-level officials, and a requirement that the press must "responsibly" report information obtained and "contrast it with other sources."

In May the National Assembly passed a freedom of information act that provides citizens the right to access public information. On December 20, the law entered into force.

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 uncooperative and unresponsive to their views. Some domestic human rights organizations reported experiencing increased problems when filing petitions with the courts, and believed that the comptroller and tax authorities audited and scrutinized their accounts and record keeping as a means of intimidation. Some human rights organizations reported experiencing increased problems in scheduling meetings and obtaining information from the government and the ombudsman.

The Permanent Commission on Human Rights (CPDH), CENIDH, and other NGOs reported that government officials threatened them and sought to discredit and disband their organizations. CPDH employees and their families reported that unknown actors made death threats against them due to CPDH's involvement with the Miskito community case against President Ortega and other FSLN leaders for alleged human rights abuses committed in the 1980s. CPDH reported that police failed to investigate these incidents and that FSLN-affiliated radio stations launched a smear campaign against CPDH. NGOs also reported that the government was sidelining organizations not affiliated with the FSLN from participating in social programs, such as Zero Hunger and Zero Usury, and instead used the CPCs to carry out these programs.

On November 22, the Public Ministry began investigating nine prominent women's rights advocates who had provided social and legal services to a 14-year-old sexual abuse victim allegedly impregnated by her stepfather. A court had sentenced the stepfather to 30 years' imprisonment for sexually abusing her. At year's end the ministry continued its investigation of the women's rights advocates. NGOs complained that the ministry launched the investigation to intimidate defenders of women's rights.

The government provided the Office of the Human Rights Ombudsman with a modest increase to its minimal budget, which the office used primarily to augment salaries for its high-ranking staff members. The ombudsman conducted investigations free from government interference, on topics including the education system, corporal punishment in schools, and the rights of persons with disabilities. Between January and March the ombudsman received 1,030 complaints of human rights abuses, representing a 35 percent increase from the previous year. At year's end the government had not provided a public response to the ombudsman reports. Human rights NGOs and former ombudsman officials asserted that the ombudsman was overly politicized, influenced by partisan interests, and lacked independence to comply with its mandate.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status. In practice the government often did not enforce these legal protections, and aggrieved persons filed few discrimination suits or formal complaints.

There were reports of societal abuses and discrimination against persons of Afro-Caribbean descent, indigenous communities, homosexuals, and persons with HIV/AIDS.

Women

The law criminalizes all forms of rape, regardless of the relationship between the victim and the accused. The Women's Police Commissariats reported that during the first six months of the year, there were 644 cases of rape, 171 cases of attempted rape, and 351 cases of statutory rape, an increase in all three categories from the same period of the previous year. There were no reliable statistics regarding the number of rape prosecutions or convictions. Women can seek to have the law against rape applied against spouses. Many women were reluctant to report abuse or file charges due to the social stigma attached to rape, fear of retribution, and loss of economic security.

By year's end the IACHR had not addressed 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 Daniel Ortega. Narvaez continued to petition the IACHR to take her case.

The law criminalizes domestic violence and provides up to six years' imprisonment for those found guilty. The law also provides for the issuance of restraining orders for women who fear for their safety. NGOs indicated that the law was selectively enforced. Spousal abuse was widespread and underreported. The Supreme Court of Justice Institute of Forensic Medicine reported that as of August, there were 7,336 cases of domestic violence, which represented approximately 20 percent of reported cases of violent acts and accidents against women. Of these, 47 percent were between domestic partners, and approximately 5 percent involved domestic violence against children. The Office of the Human Rights Ombudsman and women's rights NGOs reported that 63 women were violently killed, mostly by spouses and domestic partners.

Police Commissioner Aminta Granera required police officers to complete training sponsored by the Center for the Prevention of Violence and other NGOs to improve the police's capacity to deal with domestic violence. The NNP's "Break the Silence" campaign to raise public awareness about domestic violence and help victims of domestic abuse identify themselves and denounce perpetrators led to more women filing complaints of gender-based and domestic violence.

Reports of violence against women continued to increase, a rise likely attributable to a greater public willingness to come forward to authorities. Primarily due to cultural attitudes, impunity regarding violence against women remained a problem. The law requires female victims of sexual crimes to undergo medical testing from Supreme Court of Justice forensics specialists to provide evidence necessary for proceeding with legal action against perpetrators. A lack of female forensic doctors deterred women from taking legal action against sexual offenders. Sexual abuse and rape of adolescent girls continued, including cases involving incest.

There were no government-operated shelters dedicated to female victims of violence and other forms of abuse. The Network of Women against Violence operated the only three shelters in the country that were designated solely to assist women.

There were 32 women's commissariats operating throughout the country. 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. Although they intensified public awareness campaigns to encourage women to report spousal abuse and other violence, some were in locations that were difficult to reach and lacked essential equipment and funding to undertake adequately their responsibilities.

By year's end the Women's Police Commissariats reported a 36 percent increase in societal violence against women but noted that the increase was likely not capturing the full extent of the problem. On December 18, the national police director and the Women's Police Commissariats launched a campaign dedicated to the prevention of domestic violence, entitled "A Home Can't Be Built With Violence," with the aim of involving all family members to combat domestic violence.

Prostitution is legal for persons 14 years of age and older, but the law prohibits its promotion, including procurement. Prostitution was common; in Managua most prostitutes worked on the streets, in nightclubs and bars, or in massage parlors. The law criminalizing sex tourism imposes a penalty of five to seven years' imprisonment for convicted offenders. The NNP reported no cases of sex tourism during the year.

The law prohibits sexual harassment, and those convicted face between one and three years' imprisonment, or between three and five years' imprisonment if the victim is under 18 years old. 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 Office of the Human Rights Ombudsman Special Prosecutor for Women and the Nicaraguan Women's Institute are the principal government entities charged with protecting the legal rights of women. However, their effectiveness was limited. The NNP Office of the Superintendent of Women is responsible for enforcing the law to protect women. According to women's advocacy NGOs, the NNP Office of the Superintendent of Women was the most effective advocate for women's rights.

Under the law women enjoy the same rights as men, including with regard to family and property matters. There were reports that the authorities discriminated in property matters against poor women who lacked birth certificates or national identity cards.

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. Children's rights NGOs asserted that although the government's free healthcare and education programs were positive developments, the government's commitment to children's rights had

actually receded. The Office of the Ombudsman Special Prosecutor for the Rights of Children and Adolescents complained that the rights of children were not a priority for the government.

An unknown number of children and adolescents lacked birth certificates, were not listed in the national civil registry, and therefore lacked legal identity. As a result many children were denied public services and had to work or beg in the streets.

The law provides for free and compulsory education through the sixth grade. Despite a government prohibition instituted in January on such fees, some schools continued to solicit students and their parents to pay voluntary fees for registration, exams, and other services. According to Ministry of Education statistics, approximately 500,000 school-age children did not attend school. Pan American Health Organization 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. There were no significant differences in school treatment or attendance between girls and boys.

Although medical care was often limited, boys and girls enjoyed 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. The NNP reported that it had received 1,464 reports of sexual abuse against children and 530 complaints of sexual exploitation of minors and children. NGOs reported an increase in forced child marriage between young girls and older men. There was no information available on government efforts to combat the problem.

Child prostitution remained a problem. The law permits juveniles 14 years of age or older to engage in prostitution.

An ombudsman study reported that approximately 25 percent of children living in Ministry of Family child protection centers were sexually, physically, or emotionally abused. The ombudsman characterized the living situation of the children at the centers as "jail-like conditions." By year's end the Office of the Ombudsman Special Prosecutor for the Rights of Children and Adolescents had asked the Ministry of Family to investigate the child protection centers.

Trafficking in Persons

The law states that recruiting or enrolling victims for the purpose of prostitution, within or outside the country, constitutes trafficking. Although the law defines trafficking in persons as forced sexual exploitation, it does not identify forced labor exploitation as trafficking.

The government reported that Nicaragua was primarily a country of origin and transit for trafficking in persons but that it was not a destination country for human trafficking. The country was a source for women and children trafficked for sexual exploitation primarily to El Salvador, Guatemala, Honduras and Costa Rica. Victims were also trafficked internally. The government did not report information on the prevalence of the problem during the year. Persons trafficked from the country to foreign destinations usually were young women and girls from rural areas and poor neighborhoods in urban centers, who were recruited ostensibly as domestic servants, nannies, and waitresses and then forced to work as prostitutes in the countries of destination. Traffickers lured, with the promise of proper travel documentation, persons lacking national identity cards.

Trafficking within the country usually involved poor rural women and girls, who were the main groups of persons at risk, 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 NNP and media reports, the victims of external trafficking were often approached by acquaintances who offered lucrative jobs in neighboring countries. NGOs received reports that Venezuelan traffickers lured victims with promises of scholarships in that country.

The government and NGOs reported that trafficking was associated with organized crime. The Office of the Special Prosecutor for Children and Adolescents reported that female prostitutes and brothel owners were involved in recruitment of trafficking victims.

Many victims were trafficked using legal migration procedures. Traffickers sometimes exploited the minimal documentation requirements within El Salvador, Guatemala, Nicaragua, and Honduras to transport Nicaraguan trafficking victims through official ports of entry. Traffickers also took advantage of the low price of falsified immigration documents to move victims through the country. The NGO Casa Alianza reported that traffickers did not need to use clandestine methods to transport victims because traffickers were able to operate freely within the country using regular public and private transportation services.

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. A female Indonesian national working as a domestic servant in the home of Nicaraguan nationals in Managua reported to police and the International Organization for Migration (IOM) that she was trafficked for labor exploitation because she received no wages and was physically abused by her employer. Although law enforcement authorities removed the woman from the suspected trafficker's home, the government did not prosecute the employer for trafficking because the law does not criminalize forced labor trafficking. An NGO assisted the woman's return to her home country. The suspected trafficker was cleared of all charges and subsequently filed a complaint with the NNP against the NGO that aided the victim.

Between January and November police apprehended 43 suspected traffickers and achieved convictions in two cases.

The Ministry of Government has primary responsibility for combating trafficking through an antitrafficking unit, which coordinates efforts with 16 ministries and autonomous government agencies as well as with national and international organizations. The government worked with the IOM, Casa Alianza Nicaragua, and the NGO Save the Children to investigate trafficking cases and protect victims. During the year the government transferred responsibility for handling trafficking complaints and investigations from the Police Commissariats for Women to the judicial police. The Ministry of Government is in charge of the National Coalition Against Trafficking in Persons, and the Public Ministry is charged with prosecuting trafficking cases.

Coordination problems among government ministries and law enforcement agencies, as well as lack of government funding for trafficking efforts, impeded the government's ability to address anti-trafficking at the national level. The law does not permit the government to extradite Nicaraguan citizens to other countries, regardless of the crime. In December the NNP disrupted an alleged ring of Central American traffickers who were trafficking children through Nicaragua and falsifying their passports and other documents. By year's end two of the suspected traffickers were under investigation.

The government lacked resources to systematically screen vulnerable populations to identify victims.

Civil society groups asserted that Public Ministry officials, some judges, and law enforcement authorities did not provide appropriate treatment to trafficking victims. Judges often treated victims as complicit parties in trafficking cases. NGOs rather than the government undertook most efforts to reintegrate victims into society. The Ministry of Government reported that it lacked resources to fully implement adequate awareness training of judges and other government officials regarding treatment of victims.

The Ministry of the Family and Ministry of Government continued to collaborate with civil society organizations to promote the "Call and Live" public awareness campaign to prevent trafficking in persons. The ministries continued operating an emergency 24-hour hot line staffed by social workers, lawyers, and healthcare workers to encourage reporting of trafficking incidents and provided a vehicle to bring victims to safety.

The Ministry of Government reported that the NNP increased its efforts to combat and prevent trafficking in persons by disrupting operations, increasing police presence, and targeting massage parlors, nightclubs, and other suspected centers of trafficking activity. The Ministry of Government, the Department of Immigration, and the National Coalition Against Trafficking in Persons made public service announcements at immigration check points to warn people traveling outside the country about the risk of human trafficking and provided instruction on prevention, protection, and reporting of trafficking crimes.

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 the provision of state services. The government did not effectively enforce the law with regard to protection of persons with disabilities and had not legislated or otherwise mandated accessibility to buildings for persons with disabilities.

There was abuse of children with disabilities at the School for Special Needs in Ocotal. Between August and September the Institute of Forensic Medicine conducted examinations revealing that at least seven girls with mental and physical disabilities had been sexually abused. On August 20, police arrested and held in an Esteli prison a teacher suspected of committing the abuses in Ocotal. The trial scheduled for November 15 was postponed to January 2008.

The Nicaraguan Institute of Statistics and Census reported that approximately 10 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 the 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 RAAN and RAAS at times attributed the government's lack of resources devoted to the Atlantic Coast to discriminatory attitudes toward ethnic, racial, and religious minorities in those regions. In contrast with the rest of the country, the racial makeup of the RAAN and the RAAS was predominantly black and Amerindian.

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 Atlantic Coast and foreigners who were assumed to be from those areas experienced social discrimination in the interior and Pacific areas and were denied access to private clubs and restaurants in Managua. There was no information available on government efforts to address discrimination based on skin color, race, or ethnicity.

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.

Human rights organizations and indigenous rights groups claimed that the government failed to protect indigenous communities' civil and political rights, including rights to land, natural resources, and local autonomy.

There were no new developments or a government response to the lawsuit CPDH filed in June 2006 with the Supreme Court of Justice 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 undertaken 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.

There were no developments during the year regarding the IACHR's request that by December 31, 2006, the government pay indemnification to the Yatama indigenous organization for excluding Yatama from participation in 2004 municipal elections.

Although the law requires that the government consult indigenous persons regarding the exploitation of their areas' resources, as in previous years some indigenous communities 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 communities regularly complained to the government, media, and NGOs that the government made no effort to invest in infrastructure for the benefit of residents of those regions.

Civil society groups representing indigenous communities in the RAAN complained to the National Assembly and the Office of the President about the government's response to Hurricane Felix in September, which devastated the northern Atlantic Coastal region. These groups called for a government commission to investigate alleged human rights violations, including the failure of the government to address the basic needs of hurricane survivors. In a letter to President Ortega, the RAAN Council of Elders stated that the Nicaraguan National Disaster and Relief Agency had mismanaged disaster relief and was negligent in its response to victims of the hurricane.

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 unobtainable for many communities. These conditions worsened after the destruction caused by Hurricane Felix. The rates of unemployment, illiteracy, and absenteeism of school-age children were among the highest in the country.

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 the public encouragement of homosexual acts with a penalty of between one and three years' imprisonment, but this prohibition was not enforced. Members of the gay community complained about use of homophobic language by deputies Wilfredo Navarro and Freddy Torres during a September 14 National Assembly debate, which was publicized on television. There were allegations that a garment factory summarily fired homosexuals and that the company's management tolerated workplace violence against homosexuals.

The law provides specific protections for persons with HIV/AIDS against employment and health services discrimination. Although there were no reliable statistics, there was societal discrimination against persons based on alleged HIV/AIDS or sexual orientation status. Several NGOs worked to educate communities about HIV/AIDS discrimination issues, but

persons with HIV/AIDS were often stigmatized by their communities, and there was a general lack of awareness and education among the public and health care professionals about prevention, treatment, and transmission of HIV/AIDS.

In August a woman in Jinotega Department filed a complaint with the Women's Police Commissariats against three public health professionals who in 2001 misdiagnosed her as HIV positive, denied her medical treatment, and publicized her alleged HIV/AIDS status to the community. As a result of their actions, the woman was reportedly denied work medical attention and other public services, thrown out of her house, and ostracized by her family and friends. By year's end the Institute of Legal Medicine was investigating the matter.

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. The International Labor Organization (ILO) Committee of Experts 2007 observations reiterated the need for government legislation to provide effective sanctions to dissuade employers from acts of interference in trade union affairs.

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. The government protected these rights and 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. By law 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.

The law recognizes the right to strike but 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. The Ministry of Labor did not report information on whether any legal strikes occurred during the year.

On May 10, approximately 146 workers from the Nicaraguan Water Company (ENACAL) called a strike due to the company's failure to pay overtime in accordance with the collective bargaining agreement. On May 11, the Ministry of Labor declared the strike illegal and ordered the workers back to work within 48 hours. Management reportedly locked returning workers out of their offices and later fired them. On September 14, the National Assembly passed legislation that ordered the reinstatement of nearly 300 fired ENACAL workers and the resignation of Ruth Herrera, ENACAL's president.

Between February and May, strikes, partial work stoppages affecting thousands of students, and other labor unrest occurred throughout the country following a collective bargaining agreement that was signed on February 21 between the FSLN-affiliated teachers' labor union and the Ministry of Education without consulting the other teachers' unions. On March 30, the Ministry of Education fired five secondary school directors in Managua on grounds of malfeasance. On April 12, Minister of Education Miguel De Castilla cleared the directors of any wrongdoing, in exchange for their resignations.

Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws. The Ministry of Labor worked to fully enforce labor rights and penalize violators. Between January and June the ministry carried out 1,137 inspections and fined 24 companies, 35 percent of which operated in the FTZs.

There were repeated allegations of violations of the right to organize, especially in the FTZs, where employers stalled negotiations and allegedly fired or harassed employees trying to form unions. There were widespread complaints that KB Manufacturing, Fortex Garment, and other unionized clothing manufacturers in the FTZs closed or threatened to close to avoid or terminate obligations to organized labor, including outstanding claims for unpaid wages and severance.

During the year FTZ garment factory Nien Hsing fired six union leaders and approximately 40 union members. Although pursuant to a February Labor Ministry order Nien Hsing rehired two labor leaders and 10 union members, it did not comply with the Ministry of Labor's order to rehire 20 other workers. Union members and others reported that Nien Hsing prohibited union activities during working hours, forbade workers to speak with union leaders, threatened to fire workers

using the health clinic, and summarily fired homosexual workers.

On September 5, FTZ garment factory Everly announced the factory's merger with sister company Metro Garment and fired its 400-person workforce. On September 6, the Ministry of Labor ruled the factory closing illegal and found the company in violation of the collective bargaining agreement. Metro Garment management required former Everly workers who sought jobs at Metro Garment to sign an agreement not to form a union and threatened to close the factory if workers tried to organize.

By year's end FTZ garment company Sea-Techotex had still not complied with a 2006 Ministry of Labor order to rehire six union leaders fired after forming a union.

Between July and September the FTZ garment factory SinoNica fired 50 union workers, following May 15 negotiations for a collective bargaining agreement. At year's end there were no developments regarding the status of the fired workers.

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 60 union organizations associated with five labor confederations, less than 10 percent of the estimated 85,500 FTZ workers were union members. Because a high proportion of FTZ unions had fewer than 50 members, many of these organizations 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. The law does not prohibit the trafficking of persons for forced labor.

d. Prohibition of Child Labor and Minimum Age for Employment

Although 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 2005 study by the National Survey of Adolescent and Child Labor, the most recent available, the number of working children under the age of 18 was approximately 239,000, of whom 36 percent were under the age of 14, and 56 percent worked in agriculture, forestry, fishing, and hunting. The majority of these children labored in coffee plantations or in subsistence activities to support their families. Approximately 60 percent did not receive direct compensation for their labor, working instead as part of a family venture or for goods in kind. Cigar factories reportedly continued to employ illegally a large number of children.

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, the Ministry of Labor lacked adequate resources to effectively enforce the law except in the small formal sector.

More than half of those living in Managua's La Chureca municipal garbage dump were children. Despite interventions from faith-based organizations and other civil society groups, a large number of children continued to sort through trash at the dump, where they were exposed to toxic chemicals and other dangerous materials.

The government took measures to incorporate working adolescents in the formal workforce by easing registration requirements for their inclusion in the in the social security system.

On June 12, the Ministry of Labor signed an accord with the Ministries of Agriculture and Environment, the Institute of Rural Development, the ILO, and several labor rights advocacy organizations to reinforce the government's commitment to eradicate child labor. By year's end there were no concrete developments resulting from the accord.

e. Acceptable Conditions of Work

There is no universal minimum wage. National statutory minimum wage levels are established for nine different economic sectors, are reviewed every six months, and are set through tripartite negotiations involving business, government, and labor. The National Assembly must approve these wage levels. On June 1, the government implemented a new minimum wage scale, increasing the minimum wage by an average of 18 percent. Due to the increase, monthly wages ranged from \$55 (1,025 cordobas) in the agricultural sector to \$129 (2,381 cordobas) in the financial sector. A Central Bank review of the minimum wage adjustment reported that the minimum wage was between 25 and 67 percent below what the government estimated an urban family needed for a basic market basket of goods. In general the minimum wage was enforced only in the formal sector.

Although the standard legal workweek is a maximum 48 hours, with one day of rest, this provision was often ignored by employers who claimed that workers readily volunteered for 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 Safety in the Ministry of Labor lacked adequate staff and resources to enforce these provisions. On April 19, the National Assembly passed a labor hygiene and safety law mandating the creation of countrywide departmental offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation, collaboration with other government agencies and civil society organizations in developing assistance programs, and developing and promoting training and prevention activities. By year's end the government was implementing the law.

On May 15, the Ministry of Labor issued a directive clarifying employer and labor inspector responsibilities in the fair treatment of pregnant women in the workplace. The law provides workers with the right to remove themselves from dangerous workplace situations without jeopardizing 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 in various economic sectors.

Twelve lobster divers from the Miskito indigenous community died between January and September due to the failure of employers to provide appropriate occupational health and safety training and adequate diving equipment. Lobster divers in the RAAN had access to only one decompression chamber. During October approximately 22 lobster divers died in serious occupational incidents, one involving a man who suffered a coma and cerebral aneurysm.

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