

NICARAGUA

EXECUTIVE SUMMARY

Nicaragua is a multiparty constitutional republic by law, but in recent years political power has been concentrated in a single party, with an increasingly authoritarian executive exercising significant control over the legislative, judicial, and electoral branches. On November 6, the Supreme Electoral Council (CSE) announced that Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) had been reelected as president in elections that international and domestic observers characterized as seriously flawed. International and domestic organizations also raised concerns regarding the constitutional legitimacy of Ortega's reelection. Security forces generally reported to civilian authorities, but in several instances elements of the security forces acted independently of government control.

The principal human rights abuses during the year were restrictions on citizens' right to vote, violence against women, and police abuse of suspects during arrest and detention.

Additional significant human rights abuses included occasional unlawful killings by security forces; harsh and overcrowded prison conditions; arbitrary and lengthy pretrial detention; widespread corruption and politicization of the membership and actions of the CSE, the Supreme Court of Justice (CSJ), and other government organs, as well as a lack of respect for the rule of law by these bodies; withholding of accreditation from election-monitoring nongovernmental organizations (NGOs); and erosion of freedom of speech and press, including government intimidation and harassment of journalists and independent media. There were also reports of corrupt practices; government harassment and intimidation of NGOs; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal discrimination against and abuse of lesbian, gay, bisexual, and transgender (LGBT) individuals; discrimination against persons with HIV/AIDS; and violations of trade union rights.

The government occasionally took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government. However, impunity was a widespread problem.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government committed arbitrary or unlawful killings. However, security forces reportedly killed nine persons during the year. Human rights organizations and independent media alleged that four of these killings were politically motivated.

On February 14, in the department of Jinotega, unidentified gunmen killed former contra leader Jose Gabriel Garmendia who in 2010 publicly announced he had taken up arms against the government. Human rights organizations attributed the killing to the Nicaraguan National Police (NNP) or National Army Intelligence Forces. However, both entities denied involvement. NGOs claimed that the NNP did not carry out a proper investigation to determine responsibility for Garmendia's death and alleged that the killing was politically motivated. There were no additional developments by year's end.

On November 8, NNP officers killed three opposition supporters in El Carrizo. Police officer Mauricio Jose Diaz Jimenez, along with volunteer police officers Martin Ramirez Izaguirre and Pablo Alvarado Espinoza, local FSLN political secretary Jesus Herrera, and local Municipal Electoral Council member Eusedio Cruz Montenegro, were allegedly intoxicated when they entered the home of opposition member Jose Mercedes Perez Cruz Torrez, whom they killed. The group also killed two of Torrez's sons, Elmer Torres Cruz and Josue Zael Perez Torres, and wounded two others during the incident. Diaz, Izaguirre, Alvarado, Herrera, and Montenegro were each charged with homicide in the Criminal District Court of Madriz. The Nicaraguan Center of Human Rights (CENIDH) argued that the charges should have included assassination and torture. On November 11, the CENIDH sent the Inter-American Commission on Human Rights a request for precautionary measures to protect the family members of the deceased. At year's end the request was pending.

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, or engaged in degrading

treatment. Between January and September, the NGO Permanent Commission on Human Rights (CPDH) and CENIDH received seven and five high-profile complaints, respectively, against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment at prisons.

On September 23, police in Esteli arrested Faustino Alonzo Torres, Timoteo Patron, and Alexander Torres for painting political opposition graffiti in public spaces. The three individuals claimed that they were detained by police for 34 hours, during which time they were mocked by police, had water thrown on them for hours, endured sleep deprivation and isolation, and were denied contact with family members. All claimed that upon release NNP officers apologized and stated that the arrest had been a mistake. Police later stated that the men were not subjected to water exposure but did not comment on the other alleged actions. Both the CENIDH and CDPH demanded an investigation. At year's end there were no developments or reports of an investigation by the NNP.

On November 28, the daily newspaper *La Prensa* reported that Leonel Santana Zambrana was arbitrarily arrested, severely tortured, and forced to give false testimony implicating himself in a robbery and accusing two others in a related killing. Santana alleged that police tortured him and forced him to sign a false statement and videotape a confession. Santana claimed he did not commit any crime and did not know the individuals implicated by his statement. The NNP denied the allegations, and Santana presented his complaint to the CENIDH. There were no further developments at year's end.

Prison and Detention Center Conditions

Minor renovations to prison facilities were reported during the year, but prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. According to the Strategic Studies and Public Policy Institute (IEEPP), the country's eight prisons, designed for fewer than 5,000 inmates, held approximately 7,200 prisoners. There were approximately 3,500 inmates in La Modelo, the largest national prison facility. Inmates suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations provided some inmates with food and medical attention to mitigate harsh conditions. The national budget allowed only 10 cordobas (approximately \$0.44) per prisoner per day for three meals and lacked an amount for health care. The government permitted religious observance. Poor conditions led to several prison riots throughout the year, most notably in Bluefields, Chinandega, and Granada.

Conditions in jails and temporary holding cells were also harsh. Most facilities were infested with vermin, physically deteriorated, lacking in potable water, and equipped with inadequate ventilation, electric, or sewage systems. There were no reports of detainee deaths due to dangerous conditions, although many prisoners suffered mistreatment from prison officials and other inmates. The National Human Rights Institute (PDDH), the independence and effectiveness of which was sometimes questioned (see section 5), received 37 complaints related to prison conditions during the year. While this number was less than that of 2010, there were no reported significant improvements in the penitentiary system to which the decrease could be attributed.

On July 1, Pastor Escobar Duarte was shot and killed by inmate Sanchez Bustos in La Modelo National Prison. According to the CENIDH, the entry of firearms into prisons is generally very difficult without some form of consent or support from prison authorities. The NNP stated that they were investigating, but at year's end no information was available. The CENIDH reported that it was denied access to the prison to investigate.

On January 26, a district penal judge sentenced police and prisoners convicted of the July 2010 rape of a young gay prisoner in the Ometepe prison of Altagracia. Four prisoners involved were found guilty of aggravated rape. The police officers originally charged as accomplices were convicted of the lesser crime of cover-up, given reduced sentences, and freed from prison.

Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners also shared cells with adults due to overcrowding. An October PDDH study of eight departmental penitentiary facilities reported that approximately 74 percent of incarcerated adolescents who were surveyed claimed to share cells with adult prisoners. On May 18, a male minor being held in a temporary detention center in Bluefields was raped by another detainee.

The CENIDH reported that suspects were regularly left in police holding cells during their trials due to police negligence or a lack of government funds to transport them to court. The government did not take any steps to improve recordkeeping during the year. In May the press reported that preventive holding cells in Granada held 147 prisoners, despite a capacity of only 80. This problem was particularly serious in the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS), where the NNP estimated in 2010 that 93 percent of the inmates in preventive holding cells should be in the

National Penitentiary System. In March the press reported that preventive holding cells in the RAAS capital of Bluefields held 120 prisoners but had a capacity of only 60. In 2010 the NNP stated that the RAAN and the RAAS prison facilities had a capacity for 1 percent of the country's total incarcerated population but held up to 11 percent.

Conditions for female inmates were generally better than those for men but were nevertheless overcrowded and unhygienic. It was reported that the National Women's Prison held approximately 180 women.

In certain instances the government restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. The government frequently denied prison visits by local and international human rights groups as well as the media. During the year authorities denied the CENIDH access to facilities in Esteli and La Modelo when the organization attempted to investigate reports of hazardous conditions. Due to their lack of access, 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.

The government allowed foreign consular officials to meet with their imprisoned nationals. However, the NNP often failed to notify foreign consular representatives of arrests. Instead virtually all notifications came through friends or family members of the arrestees.

Prisoners and detainees were permitted to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions. However, complaints were often ignored or not processed. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, although this generally did not occur in practice.

The extent to which the government monitored and investigated prison conditions was unknown, but the government included funds in its budget to improve prison and detention facilities. During the year the government renovated prison facilities in Leon and approved a project and granted land for construction of new prison facilities in Bluefields.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. However, the government and its agents did not always comply with warrant requirements in searches, seizures, and arrests. The CPDH reported a 40 percent increase during the year in complaints of arrests and searches by police without proper warrants.

On September 23, police reportedly arbitrarily arrested, detained, and then tortured four persons, three in Esteli (see section 1.c.) and one in Managua.

On October 16, police in Ocotal allegedly arrested without a court order five members of the political opposition group Youth Resistance for National Dignity (REJUDIN). One member, Jairo Contreras, claimed police took him to Managua, detained him for several hours, and attempted to obtain information from him on REJUDIN's political activities before releasing him without charges.

Role of the Police and Security Apparatus

The president is commander in chief of the NNP, which is administered by the Ministry of Governance. The NNP forms a single force responsible both in law and in practice for enforcing the law throughout the country and maintaining internal security. The army is responsible for external security but also has some domestic responsibilities, including combating drug trafficking and the transportation of election-related materials, including ballots. In December, amid civil unrest following the November elections, the army began sending troops to the RAAN but claimed this was part of a previously planned deployment. Civilian authorities generally maintained effective control over the NNP and the army and had mechanisms in place to investigate and punish abuse and corruption. However, these mechanisms were rarely used in practice, and there were 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 abuses; however, the slow pace of the justice system contributed to a public perception of police impunity. During the year the Office of Internal Affairs registered 1,826 complaints, investigated 1,740 cases of alleged abuse of authority or breach of duty, and dismissed 173 officers for police misconduct. In 2010, of the complaints filed against police, approximately 73 percent pertained to human rights violations, 14 percent to corrupt acts, and 13 percent to minor offenses or infractions. The PDDH reported that the largest number of complaints for alleged human rights violations received during the year (1,291, or 66 percent of the total) was related to the NNP and that the NNP had the highest rate of compliance with PDDH

resolutions (61 percent). The government generally did not take action on complaints against security forces.

NNP trainees must receive human rights instruction to graduate from the police academy and must be annually recertified in human rights awareness. In 2010 the police academy conducted human rights trainings for 3,219 officers and trainees, of whom 641 received continuous or follow-up training. This training reportedly continued during the year. The PDDH reported conducting 31 training sessions on human rights with the NNP and eight sessions with the army.

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. NGOs claimed that in practice President Ortega continued to use his position as commander in chief to politicize NNP affairs and threaten the institution's professionalism. For instance, President Ortega's extension of the term of the national chief of police, Aminta Granera, through executive decree allegedly violated term limits prescribed in law. NGOs and the press also alleged that the NNP provided preferential treatment for progovernment and FSLN rallies (see section 2.b.).

Arrest Procedures and Treatment While in Detention

Individuals are apprehended openly. 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 mandates that a prosecutor accompany police making an arrest. However, the CPDH claimed irregularities in arrest procedures (see section 1.d.). Detainees have the right to an attorney immediately following their arrest. The state provides indigent detainees with a public defender. In most instances detainees were informed of charges against them. However, there were sometimes delays. 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. In practice few prisoners were held beyond the 48-hour deadline. After the initial 48 hours, the suspect has access to bail, family members, and legal representation.

Arbitrary Arrest: Arbitrary arrest continued to be a problem. On March 2, police arrested four persons in Ocotal for hanging signs protesting President Ortega's reelection campaign. Police released the individuals several hours later without explanation or formal charges.

On April 16, police detained and threatened opposition party members David Campos, Byron Rivas, and Marvin Parrales as they entered a radio station to speak about opposition protests against President Ortega's reelection. After leaving the station, the three were briefly detained again and questioned by police but not formally charged.

Pretrial Detention: Lengthy pretrial detention continued to be a problem. In the RAAN and the RAAS, 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, 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.

Amnesty: During the year the National Assembly received 59 pardon requests and granted four.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system remained susceptible to corruption and did not function independently (see section 4). The law requires CSJ vetting of new judicial appointments, a process often based on nepotism, influence, or political affiliation. Once appointed, many judges were subject to political and economic pressures that affected 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. During the year the PDDH reported receiving 458 complaints (25 percent of the total) concerning due process of law and 88 complaints related to access to justice that involved the NNP, the judiciary, or the Ministry of the Family, Adolescents, and Children (MiFamilia).

In May Fidel Moreno, FSLN political secretary for Managua, and Daysi Torres, FSLN member and mayor of Managua, brought libel and slander charges against Luciano Garcia and Leonel Teller, opposition members and Managua city councilmen. In March Garcia had accused Moreno of misappropriating municipal funds and requested an investigation of multiple government officials, including Torres. In response Moreno and Torres brought cases against both Garcia and Teller. NGOs considered the trial a politically motivated attempt to discourage other citizens from reporting official corruption. On June 27, a judge found Garcia guilty and ordered him to pay a fine of 800,000 cordobas (\$34,900) and issue a retraction of his accusation. On September 21, Teller was also found guilty and

ordered to pay a fine of 376,000 cordobas (\$16,400). The civil society organization Movement for Nicaragua raised the money to pay Garcia's fine, and Teller appealed his sentence. Teller's appeal trial was scheduled for January 2012.

Trial Procedures

Trials are public, and the law provides defendants with the option of a jury trial. Defendants have the right to legal counsel, and the state provides public defenders for indigent persons. Defendants are presumed innocent until proven guilty and have the right of 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 also have the right to appeal a conviction. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status. The courts continued to use the Napoleonic legal process for cases that were initiated before December 24, 2002.

The country continued to lack an effective civil law system, with the result that private litigants often filed 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 the overburdened Office of the Prosecutor.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The law provides that individuals and organizations can file lawsuits seeking damages for human rights violations before civil courts and also provides for litigants to use mediation to resolve civil claims. In practice many members of the judiciary did not render impartial judgments in civil matters and were not independent of political or other influence. Due to bureaucratic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for courts to process their claims.

Property Restitution

The government regularly failed to enforce court orders with respect to seizure, restitution, or compensation of private property. Illegal land seizures increased during the year, including reports of government seizure without due process or fair compensation.

In December the Municipality of Managua removed hundreds of tons of gravel from a private property and seized private land from at least one family without previous declaration of eminent domain or an offer of fair compensation. There were no developments in either case at year's end.

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

While the law prohibits such actions, several domestic NGOs alleged that the government monitored their e-mail and telephone conversations.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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 subject to censorship, it also establishes retroactive liability, including penalties for libel and slander. There were cases of individuals being charged or threatened with libel and slander for speaking out against official corruption (see section 1.c.).

Freedom of Press: Independent media were active and expressed a variety of views. The government, however, sought to restrict media freedom through harassment, censorship, arbitrary application of libel laws, and use of national security justifications. Private individuals also harassed media for criticizing the government. President Ortega frequently utilized a law that allowed for government broadcasts of emergency messages to force national networks to either broadcast his speeches or temporarily cease other broadcasting during those times.

There were numerous allegations of politicized closures of opposition radio stations or the cancellation of opposition radio programs, particularly in Bluefields, Esteli, and Chinandega. Other actions included vandalism, seizure of broadcast equipment, and slander or defamation charges filed against media outlet owners or

program hosts. Opposition news sources reported that they were generally not permitted to enter official government events and that if they were allowed access, they were not permitted to interview officials.

NGOs claimed that President Ortega purchased numerous television stations throughout the year, including Channel 13 and formerly state-owned Channel 6, allegedly with state funds. The president installed family members as owners of these stations and limited programming to progovernment or FSLN propaganda and reelection advertisements.

Violence and Harassment: Both of the largest daily newspapers, *La Prensa* and *El Nuevo Diario*, claimed that government officials and supporters intimidated their journalists and that CSJ and CSE officials responded aggressively or refused to respond to questions about cases involving the constitution, rule of law, and corruption. During the year there were several reported cases of threats and/or violence against the press.

On February 19, *El Nuevo Diario* journalist Luis Galeano and his family received death threats over the telephone and by mail from unknown individuals. Galeano claimed the threats were due to his investigation into CSE officials' corruption, including CSE president Roberto Rivas. Galeano filed a report with the NNP. However, at year's end no action had been taken.

During August Jinotega-based journalist Silvia Gonzalez of *El Nuevo Diario* and her family received death threats, which observers attributed to her investigation into the killing of Jose Gabriel Garmendia (see section 1.a.), as well as to her work on corruption in the FSLN-controlled Jinotega city hall. Gonzalez identified her assailants, allegedly FSLN supporters, to the NNP, which investigated but made no arrests. Gonzalez left the country in September, claiming that her life was in danger.

On October 21, alleged FSLN supporters attacked an opposition-affiliated radio station in Rosita with homemade explosive devices. The attack left two youths seriously wounded. There were no reports of an NNP investigation by year's end.

Actions against *La Prensa* facilities related to a 2010 contract dispute continued during the year. Reportedly with the support of FSLN-affiliated union groups, the former service providers to *La Prensa* demonstrated at the newspaper's facilities five times between January and November; they also demonstrated on February 7 outside the residence of the newspaper's general manager. The management of *La*

Prensa claimed that these demonstrations damaged the newspaper's facilities and hindered circulation of the paper. According to management, police did not intervene to protect the facilities.

Censorship or Content Restrictions: The government continued to exclude independent media outlets from all official media events and to withhold government advertising contracts, instead funneling millions of dollars worth of advertising funds and important public announcements to official media outlets owned or controlled by the Ortega family.

Publishing Restrictions: The government continued to enforce the controversial Law 528, or "Ley Arce," which members of the press claimed restricted the public's access to print media through the establishment of high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities.

On February 3, shortly after *El Nuevo Diario* published a series of articles on corruption in the government's tax agency, customs officials blocked the importation of printing materials for the newspaper. After significant pressure from domestic and international human rights and press freedom organizations, the government released the materials on February 8.

Internet Freedom

There were no government restrictions on access to the Internet or Internet chat rooms; however, several NGOs alleged that the government monitored their e-mails. Individuals and groups engaged in the expression of views via the Internet, including by e-mail and through the use of social media.

Academic Freedom and Cultural Events

There were no government restrictions on cultural events. However, there were government restrictions on academic freedom.

Throughout the year human rights NGOs and civil society groups reported that students in K-12 public schools were forced to participate in progovernment rallies during school. Teachers' organizations and NGOs alleged 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. Independent press and teachers' unions reported that more than 3,000 teachers had been fired since 2006 for political reasons. These groups voiced concern over the degradation of educational freedom and quality due to political activities conducted in schools during the year.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law recognizes the right to public assembly, demonstration, and mobilization but mandates that demonstrators obtain permission for a rally or march by registering its planned size and location with the police. The CENIDH and CPDH reported that police generally protected, or otherwise gave preferential treatment to, progovernment FSLN demonstrations while disrupting or denying registration for opposition groups. In many cases on-duty police did not act to protect opposition protesters when progovernment supporters harassed or attacked them.

NGOs and media reported several incidents of police abuse against opposition rallies and civil society events. On April 2, NNP and FSLN supporters blocked a march in Managua opposing the reelection of President Ortega. Allegedly the NNP denied entry into the capital to a number of the buses carrying opposition supporters for the march and arrested and abused protesters.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties. However, the CSE and the National Assembly used their accreditation powers for political purposes. CSE accreditation is mandatory for political parties and election-monitoring organizations, and the CSE withheld accreditation from election-monitoring NGOs in some cases (see section 5). National Assembly accreditation is mandatory for NGOs to receive donations.

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 movement within the country, foreign travel, emigration, and repatriation. The government generally respected these rights in practice.

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.

Exile: The law prohibits forced exile. The press reported a case of self-imposed exile in August, in which a journalist fled the country due to death threats from government supporters (see section 2.a.).

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 a January UNHCR survey, the government granted refugee status to 64 persons, and 12 persons sought asylum.

Stateless Persons

Citizenship is derived from 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. The government continued to increase the registration of newborns through service desks in public hospitals and through "social-promoter" programs that visited rural neighborhoods.

Persons without citizenship documents were unable to obtain cédulas (national identity cards). A June survey by M&R Consultants estimated that 440,000 citizens, approximately 12.5 percent of the eligible population, lacked cédulas. Persons without cédulas had difficulty participating in the legal economy,

conducting bank transactions, or voting and were subject to restrictions in employment, access to courts, and land ownership. Women and children lacking cédulas were reportedly more vulnerable to sexual exploitation by traffickers.

Civil society organizations continued to express concern about the high cost and politicized distribution of cédulas, alleging that these barriers were an FSLN attempt to manipulate the 2011 election and that the CSE failed to provide cédulas to opposition members while widely distributing them to party loyalists. The politicized granting of cédulas led to several protests during the year.

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; however, the government restricted the exercise of this right in practice.

Elections and Political Participation

Recent Elections: On November 6, President Ortega was reelected in elections that both international and domestic observers characterized as highly irregular and nontransparent. The EU, the Organization of American States (OAS), and domestic observation missions reported significant concerns with the CSE's approval of a disproportionate amount of FSLN poll watchers and a denial of opposition party access to critical electoral stations. The OAS expressed concern over irregularities related to the accreditation of approximately 9,000 opposition poll watchers and reported that OAS observers were denied access to several voting centers.

The domestic observation group Ethics and Transparency reported that up to 150,000 votes were fraudulently altered by the CSE to ensure that the FSLN obtained an additional eight to 12 seats in the National Assembly, which would assure the party's legislative control. Voting results were not published by the CSE at the polling station level, leading observation groups to deem the results unverifiable. Violence related to the highly irregular nature of the elections left five citizens dead, including three opposition members (see section 1.a.) and two FSLN political secretaries in the RAAN.

Prior to the November elections, NGOs raised a number of concerns about the electoral process, including the politicized issuance of cédulas (see section 2.d.); preferential treatment of FSLN members at voting centers, including the

enrollment of underage FSLN voters; threats against poll watchers of the observation group Institute for Development and Democracy (IPADE); a series of new, restrictive observation regulations issued by the CSE; and the CSE's denial of official accreditation to several domestic electoral observation groups.

On April 5, President Ortega issued a decree redistricting three municipalities from the RAAS to the neighboring pro-FSLN department of Chontales. Opposition parties, constitutional experts, and electoral observers labeled the decree illegal, as it lacked the mandated legislative approval, and declared it politically motivated, as it reapportioned votes to benefit the FSLN in the November election. The decree was under appeal at year's end, but it was reported that the votes of the three municipalities were included with Chontales in the election.

Political Parties: The FSLN used state resources for political activities to enhance its electoral advantage. Press and opposition groups stated that the CSE's annulment of several opposition candidacies for the National Assembly during the year was illegal. They alleged that the CSE annulled the candidacies to give an advantage to the president's campaign and FSLN candidates.

Opposition parties, human rights groups, and international and domestic observation organizations expressed concern over a pending CSJ case on the legal status of the main opposition party, the Independent Liberal Party (PLI). They claimed that the case could illegally annul the elections of some, or all, of the PLI's elected National Assembly candidates and represented a severe affront to the electoral process. There were no further developments by year's end.

The FSLN made party membership mandatory for most public sector employees. The CPDH 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 (see section 7.b.). The Democratic Federation of Public Sector Workers (FEDETRASEP) also received reports that the FSLN automatically withdrew party dues from the paychecks of state employees.

Participation of Women and Minorities: There were 19 women in the 92-seat National Assembly, four women in the 16-member CSJ, and 11 women in 29 cabinet-level posts. Eight persons from indigenous and other ethnic groups were deputies in the National Assembly.

Section 4. Official Corruption and Government Transparency

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

In the executive branch, officials dispensed funds outside the normal budgetary process controlled by the legislature. Officials drew funds from economic and developmental assistance loaned by the Venezuela-led Bolivarian Alliance for the Peoples of Our America (ALBA) with the claim that funds were part of a joint venture between the state-owned oil companies of Venezuela and Nicaragua. Media reported that ALBA-funded contracts were awarded to companies with ties to the Ortega family and noted that the funds from Venezuela, which totaled approximately \$500 million annually, served as a separate budget tightly controlled by the FSLN without public oversight.

During the year the press reported numerous corrupt practices by CSE president Roberto Rivas, including alleged involvement in fraud and embezzlement of public funds. Members of the press who investigated corruption surrounding Rivas were subject to death threats (see section 2.a.). On October 26, the Public Ministry and electoral prosecutor stated that there was not enough evidence with which to charge Rivas, and the case was archived.

Independent media, human rights groups, and opposition parties reported that President Ortega's administration blurred distinctions between the FSLN and the government through its use of FSLN-led Citizen Power Councils (CPCs). The government administered subsidized food, housing, vaccinations, and other government benefits directly through CPCs, which reportedly coerced citizens into FSLN membership and often 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 courts remained particularly susceptible to bribes, manipulation, and other forms of corruption, especially by political parties and drug cartels, and there were reports that politics influenced CSJ rulings (see section 6). There were reported cases of drug traffickers being declared innocent by corrupt judges, particularly in Granada.

On October 11, magistrates of the CSJ reelected their president and vice president, allegedly without the legally required presence of a majority of members.

In October 2010 lawmakers created the Administrative Unit of Seized, Forfeited, and Abandoned Goods under the Ministry of Finance and Public Credit, responsible for the reception, administration, auction, and donation of seized goods. However, the IEEPP reported a lack of accountability for the goods, including money and jets, seized by the unit and noted that legal gaps enabled corruption in the unit.

Public officials were subject to financial disclosure laws, and the Office of the Comptroller is responsible for combating corruption. Although the law mandates public access to government information and statistics, it was rarely applied. Generally no reason was given for denial of access. Some government agencies stated they would respond later with the information but rarely did. Government Web sites frequently did not contain financial disclosure information or it was not current. An appeal mechanism existed if authorities denied or ignored an information request, but it was slow and burdensome.

At year's end the CSJ had still not responded to CPDH information requests or to the case filed by the CPDH regarding the 2008 municipal elections.

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. Organizations dedicated to humanitarian activities generally operated without restriction. However, 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 Zero Hunger, and frequently used FSLN-controlled CPCs to administer these programs.

The government denied accreditation to observe the 2011 national elections to the domestic observation groups IPADE and Hagamos Democracia. In previous elections these two groups had been critical of government and FSLN actions. The CSE denied accreditation to Hagamos Democracia, claiming that individuals on its executive board were paid members of the PLI, but gave no explanation for denying IPADE.

Domestic NGOs who were under investigation reported problems in access to the justice system and delays in filing petitions. Many believed that 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.

NGOs reported being met with hostility or aggression when questioning or speaking with officials on subjects such as corruption and rule of law. In June IPADE domestic observers were allegedly threatened by progovernment supporters and interrogated by police.

Government Human Rights Bodies: The government maintained a human rights ombudsman in the PDDH. The term of the ombudsman ended in 2009. However, in April 2010 President Ortega extended the incumbent's term indefinitely, as well as the terms of 25 members of the PDDH, without constitutional authorization. The action led the CPDH and CENIDH to label the PDDH as illegitimate and increasingly politicized. The CPDH stated that PDDH employees were forced to attend FSLN campaign rallies, and the CENIDH claimed that PDDH observers in the November presidential elections were not impartial. The public generally viewed the PDDH as politicized and ineffective.

The PDDH reported receiving a total of 3,358 complaints, as well as investigating and ruling on 1,054 of those cases (and referring the remainder to other agencies). Of those investigated, the PDDH claimed to have found proof of violations in 247 cases and that public institutions complied with 315 resolutions of the total resolutions it issued. The PDDH reported conducting 195 workshops and other training on human rights to both government workers and the general population.

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 not credible.

Section 6. 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 prohibitions, and aggrieved persons filed few discrimination suits or formal complaints.

Women

Rape and Domestic Violence: The law criminalizes all forms of rape, regardless of the relationship between the victim and the accused. However, the government failed to enforce the law effectively, leading to widespread impunity and increased violence. Sentences for those convicted of rape were a minimum of eight years and a maximum of 12 years, or 15 in cases of aggravated rape. Many women were reluctant to report abuse due to social stigma, fear of retribution, impunity for perpetrators, and loss of economic security. During the year the NNP reported a general increase in sexual crimes against women, including 1,105 cases of rape and aggravated rape, 790 cases of rape of a minor, and 918 cases of sexual abuse. There were no statistics available on prosecutions, convictions, or punishment.

The law requires female victims of sexual crimes to undergo a medical examination by CSJ forensic specialists before proceeding legally against alleged perpetrators. However, the lack of female forensic doctors often deterred women from doing so. Rape victims were often unaware or uninformed about the procedures required to process their cases officially, meaning that often they did not receive the necessary examinations in sufficient time.

The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. The law also provides for the issuance of restraining orders. NGOs asserted that victims of violence did not have reasonable access to justice. In October the Women's Autonomous Movement reported that only an estimated 15 percent of cases went to court, while the majority were resolved through mediation, which was often ineffective and led to patterns of abuse and impunity.

Violence against women remained high during the year, according to domestic and international NGO reports. The Women's Network Against Violence (RMCV) reported that over the past six years, the rate of such violence more than tripled with an increase in the severity of the crimes. The Ministry of Health (MINSAs) reported that in Managua cases of violence against women tripled from 110 in 2010 to 338 in 2011. On December 1, the National Assembly approved legislation to combat violence against women and increase sentences for convictions.

During the first half of the year, the NNP reported 2,013 cases of domestic violence, compared with 2,943 reported for all of 2010.

The RMCV found that more than 72 percent of crimes against women went unpunished and that attackers and abusers with political connections enjoyed impunity.

On July 22, the CSJ reduced the sentence of convicted rapist and FSLN member Farington Reyes, who was found guilty of the rape of his coworker, Fatima Hernandez. The press, women's groups, and human rights organizations alleged that the sentence reduction was a result of Reyes' familial ties to high-ranking FSLN members and government officials. On November 22, the CSJ granted Reyes house arrest for the remainder of his sentence.

The RMCV reported that 74 women were killed during the year, many of whom were also raped, beaten, maimed, or mutilated. By year's end courts convicted only seven individuals for such killings.

Recent increases in violence against women as well as the reporting of it were attributed to a higher frequency of occurrence and, in the case of reporting, to a greater public willingness to come forward, due in part to increased public awareness campaigns by the NNP and women's rights organizations. These campaigns and activities were instrumental in raising public awareness and helping domestic abuse victims.

During the year 54 NNP women's commissariats operated in the country, 16 more than in 2010. 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. However, commissariats often lacked sufficient equipment and funding to discharge their responsibilities adequately. One government-operated shelter dedicated to female victims of violence or abuse opened during the year, and there were 10 nongovernmental women's shelters.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face between one- and three-year prison terms, or three- to five-year sentences if the victim is under 18. The NNP reported 201 cases of sexual harassment during the year.

Reproductive Rights: MINSA's family-planning norms provide couples and individuals with the right to decide the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Access to information on contraception and skilled attendance at delivery and in postpartum care were more available in urban areas but have improved in remote areas, such as the Atlantic coast. Seventy-four percent of births were attended by skilled personnel. Women generally received

better access than men to diagnostic services and treatment for sexually transmitted infections because of NGO efforts and government campaigns dedicated to women's reproductive health. A 2011 Population Reference Bureau report indicated that 72 percent of married women ages 15 to 49 used a modern contraceptive method and that the gap between urban and rural users had decreased.

Women in some areas, such as the RAAN and the RAAS, 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. MINSA noted a general downward trend in maternal mortality since 2006. However, 2010 MINSA data indicated that there were approximately 67 maternal deaths per 100,000 live births, a slight increase over the 2009 rate of approximately 60. Most of the women who died in childbirth were older than 35 years or adolescents who lived in rural areas.

Discrimination: The law provides equality for both genders, including within the family and workplace and for property ownership. The NNP Office of the Superintendent of Women is responsible for enforcing gender-specific laws. However, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses. Women earned 47 percent less than men for equal work, although the wage gap has decreased over the past three years. Women were much less likely to be senior officials or managers. In practice authorities often discriminated in property matters against poor women who lacked birth certificates or cedulas. 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. MiFamilia, the Civil Registry and, to a lesser extent, the CSE are the agencies responsible for registering births (see section 2.d.) but did not make data available.

Child Abuse: The NNP reported that during the first half of the year authorities received 1,932 complaints of sex crimes against adolescent girls and processed 516. At year's end the NNP reported that approximately 42 percent of total rape cases involved minors.

Local leaders in Monkey Point in the RAAS alleged that military personnel stationed there regularly sexually harassed local girls, provided them with alcohol, and raped 13 girls between the ages of nine and 16. Military officials denied the claims and charged a local leader of Monkey Point with libel and slander. At year's end there was no reported investigation into the allegations against the military personnel, and the libel and slander charges were pending.

Programa Amor, the government child-welfare program launched in 2007, was designed to end child labor and homelessness, but numerous NGOs stated that the lack of public information on the program and the difficulties in conducting a census of homeless and working children made it difficult to assess the program's effectiveness.

Child Marriage: While child marriage was uncommon, it existed in some rural areas. There were no reported government efforts to combat it. With parental authorization, the minimum legal age for marriage is 14 for girls and 15 for boys; without such authorization it is 18 and 21, respectively.

Sexual Exploitation of Children: The law prohibits adults from promoting or participating in child prostitution, but it remained a problem. Several NGOs reported that 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. 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, and there is no law prohibiting prostitution by juveniles 14 years of age or older. The NNP reported 500 cases of statutory rape and aggravated statutory rape during the year. A June study by the CSJ Institute for Forensic Medicine found that in cases of rape of a minor, persons known to the victim committed 88 percent of the rapes.

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

International Child Abductions: The country is a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish community numbered fewer than 50. 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.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but in practice such discrimination was widespread in employment, education, 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 (MITRAB), and the PDDH are among government agencies responsible for the protection and advancement of rights for persons with disabilities. The government did not effectively enforce the law with regard to the protection of such individuals; did not mandate accessibility to buildings, information, and communications for them; and did not make information available on efforts to improve respect for their rights. Independent media reported that fewer than 1 percent of public sector employees were persons with disabilities, although that percentage is mandated by law, and that public institutions lacked coordination with the MITRAB regarding rights for persons with disabilities.

Persons with disabilities continued to have problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. The government launched a fleet of 110 new buses during the year, some of which

were handicap-accessible. However, in October *La Prensa* reported that only one of the handicap-accessible buses was operating and that bus stop facilities were not handicap-accessible.

Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care was generally poor.

The 2011 World Health Organization *World Report on Disability* estimated that only 0.40 percent of persons with disabilities attended compulsory elementary education. In 2010 MINSA reported that only one out of five students with disabilities finished primary school.

National/Racial/Ethnic Minorities

Various indigenous and other ethnic groups from the RAAN and RAAS attributed the lack of government resources devoted to the Atlantic coast to discriminatory attitudes toward the ethnic, racial, and religious minorities in those regions. While the racial makeup of the RAAN and RAAS 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 RAAN and RAAS, along with others assumed to be from those areas, experienced discrimination, such as extra security measures and illegal searches by police.

Information on government efforts to address discrimination based on skin color, race, or ethnicity was not available.

Indigenous People

Indigenous persons constituted approximately 5 percent of the country's population and lived primarily in the RAAN and RAAS. They were not always participants 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 persons from rural areas often lacked birth certificates, cédulas, and land titles. Although they formed political groups, these often held little sway and were ignored or used by major national parties to advance their own agendas. Most indigenous persons 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 absenteeism 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. At year's end there was no new information available on government action to meet the 2008 request by the UN Committee on the Elimination of Racial Discrimination to develop a national strategy to combat racism and forge a new relationship with indigenous and ethnic minority communities.

NGOs and indigenous rights groups claimed that 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 generally failed to effectively demarcate indigenous lands, and the CENIDH denounced an atmosphere of impunity and corruption in the territorial demarcation process.

On July 25, RAAS community leader Rodney Downs Francisco was killed two days after stating his intent on a local radio station to file a land claim in the Awaltara Territory. The press alleged that local politicians who desired control of the same lands arranged to have Downs killed. Four suspects were arrested, and the case remained pending at year's end.

On September 21, Ronald Davis Martinez was killed after filing a complaint against an allegedly illegitimate communal government in the Awaltara Territory. Independent press and RAAS indigenous leaders alleged that the killing was ordered by local politicians with economic interests in the territory. By year's end no arrests had been made.

Some indigenous communities in the RAAN and the RAAS continued to complain that authorities excluded them from meaningful participation in decisions affecting their lands and natural resources. Representatives of autonomous regions and indigenous communities regularly noted that the government failed to invest in infrastructure. Throughout the year indigenous leaders alleged that logging concessions were granted to private firms and government-affiliated businesses,

such as ALBA-Forestal, by the regional and national governments in violation of national autonomy laws in the RAAS and RAAN.

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

Although sexual orientation is not mentioned specifically, the law states that all persons are equal before the law and provides for the right to equal protection. LGBT persons continued to face widespread societal discrimination and abuse, particularly in employment, housing, and education. 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 that the office had insufficient resources. In May the press reported that a young woman was killed in Jinotega, allegedly because of her sexual orientation.

In 2010, 1,291 complaints of discrimination based on sexual orientation were filed with the NNP, Social Security Institute, MINSA, and MiFamilia.

Other Societal Violence or Discrimination

The law provides specific protections for persons with HIV/AIDS against discrimination in employment and health services. However, persons with HIV/AIDS continued to suffer societal discrimination based on their alleged serological status. 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. However, several NGOs that worked to educate communities regarding HIV/AIDS discrimination claimed that public awareness of it increased during the year.

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. The constitution recognizes the right to strike, although it places some restrictions on this right. The law provides for the right to bargain collectively and prohibits antiunion discrimination. Workers are not required to notify their employer or MITRAB of their intention to organize a union, and the law allows unions to conduct their activities without government interference.

Burdensome and lengthy labor code conciliation procedures impeded workers' ability to call strikes. In addition, if a strike continues for 30 days without resolution, MITRAB has authority to suspend the strike and submit the matter to arbitration. The International Labor Organization (ILO) continued to note that this provision limits the right to strike and called for the law to be amended.

A collective bargaining agreement cannot exceed two years and is automatically renewed if neither party requests its revision. Companies in disputes with their employees must negotiate with the employee 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.

The law establishes fines against employers who violate labor rights by engaging in antiunion discrimination, such as interfering with the formation of unions or strikebreaking. Although employers must reinstate workers fired for union activity, MITRAB may not legally order employers to rehire fired workers, which requires a judicial order. The law allows employers to obtain permission from MITRAB to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay.

With some exceptions the government generally protected the right of collective bargaining and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Although the law establishes a labor court arbitration process, long waiting times and lengthy, complicated procedures detrimentally affected court-mediated solutions, and many labor disputes were resolved out of court. MITRAB claimed 88 percent of cases resulted in a ruling favorable to the worker. However, labor and human rights organizations continued to allege that rulings were often unfavorable to the petitioner.

There were reports that the government interfered in union activities and some employers engaged in antiunion discrimination with impunity. Most labor unions were allied with political parties. There continued to be reports of government interference in union activities in the public sector, including illegal dissolution of unions and firing of workers not associated with the ruling FSLN party. FEDETRASEP reported that since 2007 there have been 128 unions illegally disbanded by government ministries. Former ministry employees and human rights and labor organizations alleged that pro-FSLN public sector unions used intimidation and coercion to recruit new members. Union leaders asserted that

employers and union leaders who supported the Ortega administration continued to pressure workers affiliated with non-FSLN unions to resign and register with FSLN unions.

Politically motivated firings of workers continued to be a problem. According to FEDETRASEP, since 2007 more than 21,000 public sector employees were fired without just cause or due process of law. FEDETRASEP reported more than 673 million cordobas (\$29.4 million) in unpaid severance benefits to the unjustly fired public sector employees. FEDETRASEP reported that 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 that a letter of recommendation was required by CPC coordinators or other party officials to obtain a public sector job.

On February 15, two members of the Trade Union Confederation (CUS) alleged that NNP officials forcibly took their CUS union cards from them and gave them union membership cards for the FSLN-affiliated National Workers Front union. The police allegedly told the two individuals that they were following orders from superiors.

MITRAB often declared strikes illegal, even when workers followed legal strike procedures. Wildcat strikes--those in which workers engaged without union authorization--were common, the most notable being among taxi drivers and other transportation workers, especially in Managua, Leon, and the RAAN. During a strike employers cannot hire replacement workers. However, unions alleged that this practice was common.

In practice employers often did not reinstate workers fired for union activity, or pay severance. Labor leaders complained that employers routinely violated collective bargaining agreements and labor laws with impunity. Labor organizations deemed that the fines for antiunion discrimination were not severe enough to prevent abuses. Many employers in the formal sector continued, with impunity, to blacklist or fire union members and delay severance payments to fired workers, especially public sector employees, or omit 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 of party dues being automatically withdrawn from paychecks.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. There were no reports of government enforcement of these laws. However, civil society groups reported an increase in government activities against trafficking in persons. There was one case of forced labor reported to the NNP during the year, in which an 11-year-old girl in Bluefields was allegedly forced into domestic servitude and sexually exploited. The case was being prosecuted by the Prosecutor General's Office at year's end.

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

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 years must have parental approval to work or to enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is also illegal for minors to work in places that MITRAB considers harmful to their health or safety, such as mines, garbage dumps, and night-entertainment venues, as well as various forms of agricultural work. The law also 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 did not provide adequate resources for MITRAB to enforce the law effectively, especially in the informal sector. MITRAB reported conducting 48 inspections in bars, night clubs, and massage parlors in Managua, Granada, and Masaya, as well as 18 inspections of mines in Masaya. In the first six months, MITRAB reported conducting 761 special child labor inspections, resulting in 148 children detected and removed from the workplace. MITRAB also reported that it provided education on labor rights to 1,371 children during the coffee harvest season as part of the Coffee Harvest Free of Child Labor Program (*Programa Cosecha Cafetalera, Libre de Trabajo Infantil*). The government continued activities to incorporate working adolescents into the formal workforce by transferring children above the legal working age from the worst forms of child labor into nondangerous jobs, specifically through targeted initiatives in the coffee sector.

A 10-year plan (2007-16) to end child labor was in place, to be carried out by the National Commission for the Progressive Eradication of Child Labor and

Adolescent Worker Protection (CNEPTI). The plan requires all government programs to include child-labor prevention and eradication initiatives. However, the organizations that constitute CNEPTI last convened in 2009, and most NGOs considered it to be ineffective. 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 (see section 6, Children).

Child labor was a widespread problem. The most recent available national survey of adolescent and child labor (2005) estimated that there were approximately 239,000 working children between five and 17 years old, of whom 36 percent were younger than 14 years of age.

Most child labor occurred in the large informal sector, including on coffee plantations and subsistence farms, and in forestry and fishing. Children also worked in the production of sugarcane and crushed stone and to a lesser extent in the production of bananas and tobacco. Child labor also occurred in the production of dairy, orange, African palm, sugarcane, cattle raising, street sales, garbage-dump scavenging, and transport. According to the ILO, children engaged in the worst forms of child labor in plantation agriculture, shellfish harvesting, pumice and limestone quarrying, gold mining, industrial manufacturing, construction, commercial/retail, hospitality, and as domestic servants.

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/programs/ocft/tda.htm.

d. Acceptable Conditions of Work

The national minimum wage law establishes a statutory minimum wage for 10 economic sectors. It is calculated differently for each sector, and the average was 2,918 cordobas (\$127) per month. The government implemented two increases to the minimum wage during the year, 7 percent in February, and 6 percent in August. The National Institute of Development Information reported that in 2005 extreme poverty corresponded to an annual income of 3,928 cordobas (\$171) and regular poverty to an annual income of 7,155 cordobas (\$312).

The standard legal workweek is a maximum of 48 hours, with one day of rest. Labor 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 and prohibits compulsory overtime. The law establishes occupational health and safety standards and mandates the creation of regional offices for the National Council of Labor Hygiene and Safety. The council is responsible for worker safety legislation and collaboration with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. 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 due to the lack of government dissemination of information.

In general the minimum wage was enforced only in the formal sector and was thus applicable only to approximately one-third of the working population. MITRAB maintained a hotline for complaints of labor violations and reported receiving 3,600 calls in the first six months of the year. MITRAB 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.

Legal limitations on hours worked were often ignored by employers who claimed that workers readily volunteered for extra hours for additional pay. A local NGO reported numerous cases of workers being denied annual bonuses mandated by law and two cases of municipalities that did not comply with collective bargaining agreements. 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 were often required to work excessive shifts without relief.

During the first six months of the year, MITRAB reported conducting 5,801 health and safety inspections and registered 3,709 workplace accidents, including 21 registered deaths. According to data submitted to the ILO, the government reported that in 2010, 99 labor inspectors conducted 6,524 inspections and 1,909 reinspections, imposing fines in 55 cases. 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.