

NICARAGUA 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua is a multiparty constitutional republic, 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. In November 2011 the Supreme Electoral Council (CSE) announced the reelection of President Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) in elections that international and domestic observers characterized as seriously flawed. International and domestic organizations raised concerns regarding the constitutional legitimacy of Ortega's reelection. Observers also noted serious flaws in conduct of the November municipal elections. In several instances elements of the security forces acted independently of government control.

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

Additional significant human rights abuses included police abuse of suspects during arrest and detention; harsh and life-threatening prison conditions; arbitrary and lengthy pretrial detention; erosion of freedom of speech and press, including government intimidation and harassment of journalists and independent media; government harassment and intimidation of NGOs; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal discrimination against persons with disabilities; discrimination against persons with HIV/AIDS; and violations of trade union rights.

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

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government committed arbitrary or unlawful killings. However, a lack of clear and impartial investigations into deaths made attribution difficult. Human rights organizations and independent media alleged that some killings during the year were politically motivated.

On July 26, four members of the Nicaraguan National Police (NNP) allegedly killed community leaders Pedro Ramon Castro and Miguel Angel Oliva in the municipality of Pantasma. Reports indicated that police began shooting after attempting to detain the two men, resulting in the two civilian deaths as well as injuries to two of the four police. The Nicaraguan Center for Human Rights (CENIDH) argued that the NNP was accountable for the deaths and repeatedly petitioned the NNP to examine the case. There were no official investigations by year's end.

On February 17, local FSLN political secretary Jesus Herrera, local municipal electoral council member Eusedio Cruz Montenegro, former police chief Elvin Lopez, and former NNP member Mauricio Jose Diaz Jimenez received three-year sentences for the November 2011 killings of Jose Mercedes Perez Cruz Torrez and two of Torrez's sons, Elmer Torres Cruz and Josue Zael Perez, in the town of El Carrizo, Madriz. A number of observers considered the killings to be a politically motivated triple homicide carried out by FSLN party members against opposition supporters two days after the national elections. Human rights organizations criticized the sentences and alleged that the perpetrators' political affiliations influenced the charges and sentence. The judge claimed the sentences were reduced because the four perpetrators were inebriated, a consideration not established in law, which mandates a minimum sentence for homicide to be 10 to 15 years. A three-year sentence falls under legal guidelines for involuntary manslaughter.

There were no developments or investigations into the killing of former Contra leader Jose Gabriel Garmendia in February 2011 or the January death of former Contra member Santos Guadalupe Joyas Borge, or "Pablo Negro." Independent human rights organizations alleged that these were politically motivated killings. Government officials denied any involvement and stated that the victims had links with criminal groups.

b. Disappearance

There were no reports of politically motivated or other disappearances.

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

Although the law prohibits such practices, there were reports that police frequently abused suspects during arrest, used excessive force, and engaged in degrading treatment. Between January and September, the NGO Permanent Commission on Human Rights (CPDH) and CENIDH received 235 and 433 complaints, respectively, against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment, including in prisons. Conditions at El Chipote prison were of particular concern; there were at least five reports of abusive treatment at El Chipote as well as reports of mistreatment in Ocotal and Carazo prisons.

During the year there were numerous claims of torture by agents of the Directorate of Judicial Assistance (DAJ), especially during high-profile arrests related to organized crime. Human rights organizations claimed that the DAJ, a special police investigations unit, operated outside of the normal NNP chain of authority and was not accountable to normal internal affairs procedures of the NNP. The CPDH received numerous reports of torture during the year.

Allegations of abuses on the part of NNP members surfaced in Nueva Guinea in late November, amid ongoing political protests over contested results from the November 4 municipal elections. On November 18, authorities detained more than 50 individuals, a number of whom claimed that they were threatened, beaten, sexually assaulted, and tortured by police. The alleged abuses include the beating of a 13-year-old boy and the sexual assault of a 17-year-old girl. Civil society advocates, including the group Movement for Nicaragua, filmed and publicly released video testimony and photographic evidence from 15 victims. The CPDH, CENIDH, and the media also documented and published details from individual cases. NNP Commissioner General Javier Maynard issued a statement announcing that the police would launch an investigation of the reported abuses, but there were no reported arrests by year's end.

On May 23, Edwin Antonio Altamirano claimed that he was tortured during a 17-day period while confined in the special DAJ detention facility at El Chipote. Altamirano claimed that DAJ agents severely beat him and psychologically tortured him in an attempt to obtain a confession. Altamirano showed signs of severe bruising, burns, and infections. He filed his case with the CPDH. The NNP claimed that the accusations were false, and there was no report of an investigation by year's end.

There were no further developments in the case of Leonel Santana Zambrana, who in November 2011 was arbitrarily arrested, severely tortured, and forced to give false testimony implicating himself in a robbery and accusing two others in a related killing.

Prison and Detention Center Conditions

Prison conditions were harsh and life-threatening. Overcrowding, poor sanitation, difficulties obtaining medical care, and violence among prisoners remained serious problems in prison facilities. Security and administrative staffing were insufficient, and the needs of prisoners, including personal safety, were not met.

Physical Conditions: According to the Ministry of the Interior, the country's eight prisons, designed for fewer than 5,000 inmates, held approximately 8,846 prisoners. During the year there reportedly were approximately 4,000 inmates in La Modelo, the largest national prison facility, which has a capacity of 2,800. On July 7, the NNP relocated 29 inmates to permanent holding facilities in La Modelo in an attempt to relieve overcrowding. Authorities incarcerated approximately 500 prisoners in the North Atlantic Autonomous Region (RAAN) and the South Atlantic Autonomous Region (RAAS), where prison facilities had a capacity for 150 prisoners.

CENIDH reported that police regularly left suspects in holding cells during their trials due to negligence or a lack of government funds to transport them to court. Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners also shared cells with adults due to overcrowding. A 2011 National Human Rights Institute (PDDH) study of eight departmental penitentiary facilities reported that approximately 74 percent of incarcerated adolescents surveyed claimed to share cells with adult prisoners. On February 23, the press reported that an inmate was raped in prison facilities in Leon, a common violation according to human rights groups; however, no NNP investigation was reported.

Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Inmates suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations supplemented the national budget of 10 cordobas (approximately \$0.44) per prisoner per day for food. There was no budget allocation for health or personal care. Poor conditions

led to several prison riots throughout the year, most notably in Esteli, Bluefields, and Bilwi.

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, electricity, or sewage systems. Many prisoners suffered mistreatment from prison officials and other inmates. The PDDH, the independence and effectiveness of which was sometimes questioned (see section 5), received 80 complaints related to prison conditions during the year, more than twice the number reported in 2011. According to the PDDH, resolutions were issued in 11 cases, and authorities complied with recommendations in six of these cases. Authorities did not make public the number of deaths in prisons.

On February 24, a major riot in prison facilities in Esteli left 16 inmates injured and a significant part of the prison burned or otherwise damaged. The prisoners protested what they claimed were overcrowded and unhealthy conditions in prison cells, as well as abuse by prison officials. The press reported that the facility, built for 600 prisoners, held more than 1,400.

Conditions for female inmates were generally better than those for men but were nevertheless overcrowded and unhygienic. The National Women's Prison reportedly held approximately 253 women.

Administration: Recordkeeping on prisoners was inadequate, and the government took no steps to improve it during the year. This problem was particularly serious in the RAAN and the RAAS, where the NNP estimated in 2010 that 93 percent of inmates in preventive holding cells should have been in the National Penitentiary System. In certain instances the government restricted prisoners' access to visitors, attorneys, physicians, and human rights officials. Prisoners and detainees could submit complaints to judicial authorities without censorship and request investigation of credible allegations of inhumane conditions. However, authorities often ignored or did not process complaints. The extent to which the government investigated allegations of prison conditions was unknown. The government ombudsman could serve on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders, although this generally did not occur in practice. The government permitted religious observance. There are no known alternative sentencing programs on a national level.

Monitoring: The government frequently denied prison visits by local and international human rights groups as well as the media. The government denied CENIDH access to all prison facilities when the organization attempted to investigate reports of hazardous conditions. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner due to lack of access.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention. However, the government and its agents did not always comply with or enforce these laws in practice. The CPDH received eight complaints between January and September of arrests and searches by police without proper warrants.

Role of the Police and Security Apparatus

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. The Ministry of Governance administers the NNP with the president as commander in chief, and it forms a single force responsible both in law and in practice for enforcing the law throughout the country and maintaining internal security. The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and the transportation of election-related materials, including ballots. While the army falls under the Ministry of Defense, many informed observers believed that the ministry's control has been limited since 2007 and the army functions as an autonomous force responding directly to the president. The Inspectorate General is responsible for investigating abuses and corruption.

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

The NNP Office of Internal Affairs, and to a lesser extent the Office of the Inspector General, are responsible for investigating police abuse; however, corruption, inefficiency, and lack of transparency of the justice system contributed to a public perception of police impunity. During the year the Office of Internal Affairs registered 2,549 complaints, investigated 1,922 cases of alleged abuse of authority or breach of duty, and dismissed 39 officers for police misconduct.

There were two convictions related to complaints filed during the year (see section 1.a.). Of complaints filed against police during the year, approximately 64 percent pertained to human rights violations and 36 percent to a failure to adhere to police procedure and regulations. The Office of Internal Affairs reported investigating 85 percent of the claims received. The government generally did not take action on complaints against security forces.

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law. NGOs reported that in practice President Ortega's use of his position as commander in chief had politicized the organization and led many to question its 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 continued to provide preferential treatment for progovernment and FSLN rallies (see section 2.b.). The press reported numerous allegations of corruption related to a high-profile narcotics and money laundering scheme involving high-ranking NNP officials. While no official charges resulted, several of these officials retired shortly after the allegations surfaced.

In a number of areas where violent protests broke out in the wake of the November 4 municipal elections, citizen groups claimed the NNP response was biased in favor of government and FSLN supporters. During postelection protests in Ciudad Dario, the media reported that antiriot police fired only at opposition protesters, effectively protecting FSLN supporters. In late November NNP officers detained more than 50 individuals in Nueva Guinea over protests involving contested election results, and all but two were opposition sympathizers.

Arrest Procedures and Treatment While in Detention

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 also stipulates that a prosecutor accompany police making an arrest. However, the CPDH claimed irregularities in arrest procedures led to arbitrary arrest and detentions. Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. After the initial 48 hours, the suspect has access to bail and family members. In most instances detainees were informed of charges against them, although at times there were delays. Detainees have the right to an attorney

immediately following their arrest, and the state provides indigent detainees with a public defender.

Arbitrary Arrest: According to NGOs and other rights groups, arbitrary arrests occurred regularly, although there were no known documented instances during the year.

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

Amnesty: During the year the National Assembly received 30 pardon requests and granted six. Approximately 300 requests were pending.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judicial system did not function independently in practice. The law requires vetting of new judicial appointments by the CSJ, a process unduly affected by based nepotism, personal influence, or political affiliation. Once appointed, many judges submitted to political and economic pressures that compromised their independence. NGOs complained of a delay of justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. During the year the PDDH reported receiving 477 complaints concerning due process of law and 173 complaints related to access to justice that involved the NNP or various government ministries. Authorities occasionally failed to respect court orders.

Trial Procedures

Defendants are presumed innocent until proven guilty. Under the law defendants have the right to be fully informed of the charges against them and the right to a fair trial. Where the law establishes specific time periods for cases to come to trial, most encountered undue delay. Trials are public, 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 have the right to adequate time and facilities to prepare a defense, and access to all information and

evidence registered with the government, as well as the right to know why and how it was obtained, but only during the discovery and trial phases, not during the pretrial period. Defendants can confront and question witnesses and have the right to appeal a conviction. Defendants may present their own witnesses and evidence in their defense and have the right to not confess guilt or be compelled to testify. The law extends these rights to all citizens regardless of gender, ethnicity, disability, or other status.

Political Prisoners and Detainees

On January 8, Angel Antonio Gomez Matamoros was arrested due to his alleged involvement in an antigovernment protest in the northern city of Ciudad Dario. The NNP claimed that Gomez incited the violent riot, but the press and human rights organizations claimed his arrest and imprisonment were politically motivated due to his status as the Ciudad Dario coordinator for the opposition Independent Liberal Party (PLI). On March 19, Gomez was convicted of rioting and conspiracy to commit a crime and sentenced to two years in prison. On March 23, his sentence was reduced to house arrest.

Civil Judicial Procedures and Remedies

The law provides that individuals and organizations can file lawsuits with civil courts to seek damages for human rights violations 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 systemic inefficiencies, litigants unable to resolve claims through mediation often had to wait months or years for courts to process their claims.

The lack of an effective civil law system resulted in civil matters being pursued as criminal cases.

Property Restitution

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

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 and seized property without due process.

On February 13, Walter Buehler, the Swiss-born majority owner of Hotel Punta Teonoste, a beachfront resort in Rivas, claimed that members of the Attorney General's Office and armed police officers seized 35 acres of his land, informing him that the property belonged to the state. However, Buehler claimed the state provided no documents to support this claim. On February 17, Attorney General Hernan Estrada announced that 17.5 acres would be given to FSLN supporter Eden Pastora. Buehler appealed the decision, and mediation in the case continued at year's end.

In August the Office of the Attorney General seized approximately 20 acres of what community leaders claimed are historically indigenous lands. The indigenous community of Sebaco, in Matagalpa, had leased the land to Guadalupe Santos Rodriguez, who was accused of money laundering. Indigenous leaders claimed that if Santos is found guilty, the law dictates that the leased property should return to community holdings, not be transferred to the state. The case continued at year's end; meanwhile, the government used the land for retired members of the army, a move criticized by CENIDH.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

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

The government continued to close opposition radio stations and cancel opposition television programs, allegedly for political reasons. It also employed vandalism, the seizure of privately owned broadcast equipment, and criminal defamation charges against media outlet owners or program hosts to limit freedom and diversity of the press. Opposition news sources reported that generally they were not permitted to enter official government events and were denied interviews by government officials.

On June 1, the Nicaraguan Association for Human Rights (ANPDH) claimed that the NNP forcibly closed Somoto-based Television Channel 13 due to the station's reporting on government corruption. The owner of the station, Juan Carlos Pineda, claimed that NNP officials harassed and threatened him prior to the forced closure. There were no reports of an investigation, and at year's end the station remained closed.

The Communications Research Centre of Nicaragua (CINCO) reported that control over television media by the FSLN and President Ortega strengthened throughout the year. National television was increasingly either controlled by FSLN supporters or directly owned and administered by President Ortega's family members. Eight of the nine basic channels available were under direct FSLN influence.

In general media outlets owned by the presidential family limited programming to progovernment or FSLN propaganda and campaign advertisements. Press and human rights organizations claimed that the use of state funds for official media placed opposition outlets at an unfair disadvantage.

Violence and Harassment: One of the largest daily newspapers, *La Prensa*, claimed that government officials and supporters regularly intimidated journalists and that CSJ and CSE officials responded aggressively or refused to respond to questions about a variety of problems, especially those involving the constitution, rule of law, and corruption. During the year there were several reported cases of threats and violence against the press. On December 11, the spokesman of the Supreme Court of Justice publicly accused the online newsweekly *Confidential* of being financed by narcotics trafficking organizations, an allegation rights groups said was politically motivated.

At year's end no government action had been undertaken to investigate the October 2011 attack against an opposition radio station in Rosita that left two workers injured.

Censorship or Content Restrictions: The government continued to penalize independent media outlets by excluding them from official media events and public announcements. Government advertising contracts worth millions of dollars were directed to official media outlets owned or controlled by the Ortega family and supporters. Some journalists practiced self-censorship, fearing economic and physical repercussions for investigative reporting on crime or official corruption. Slander and libel are both punishable under the law with fines structured around the minimum wage. The penalties for slander and libel range between 120 to 300 days' salary.

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

Internet Freedom

There were no government restrictions on access to the Internet or Internet chat rooms; however, several NGOs claimed the government monitored their e-mail. Individuals and groups engaged in the expression of views via the Internet, including by e-mail and social media. The International Telecommunication Union reported that 6 percent of households and 11 percent of individuals used the Internet in 2011. During the November 4 municipal elections, a popular Web site that allowed voters to register complaints or allegations of election fraud was apparently hacked on several occasions and forced to shut for significant portions of the day. Certain NGOs claimed the Web site was tampered with to prevent dissemination of voter complaints.

Academic Freedom and Cultural Events

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

Independent press and teachers' unions reported that since 2006 approximately 3,120 teachers had been fired (an estimated 120 during the year) and approximately 100 unions eliminated for political reasons. These groups voiced

concern about the degradation of educational freedom and quality due to political activities conducted in schools during 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, including the Nicaraguan Educational Forum and the Democratic Federation of Public Sector Workers (FEDETRASEP), alleged continuing FSLN interference in the school system through the firing of non-FSLN teachers and their replacement with party loyalists, use of school facilities as FSLN campaign headquarters, favoritism shown to members of FSLN youth groups or children of FSLN members, politicized issuance of scholarships, and use of pro-FSLN education materials.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law recognizes the right to public assembly, demonstration, and mobilization but requires demonstrators to obtain permission for a rally or march by registering its planned size and location with the police. CENIDH and the CPDH reported 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 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 July 19, a group of 250 FSLN supporters forcibly evicted more than 20 youth protesters in front of the Managua headquarters of the CSE, resulting in at least one serious injury. The day before, several trucks belonging to the Managua Mayor's Office poured sand and soil on the pavement, effectively blocking access to the protest site. The demonstrators belonged to various organizations and were protesting the alleged unconstitutionality of CSE magistrates and alleged fraud in past national elections. According to CENIDH the NNP did not respond to demonstrators' requests for protection and did not conduct any investigation into the incident. CENIDH reported the case to the special rapporteur for freedom of expression of the Inter-American Commission on Human Rights and claimed this incident was emblematic of the significant limitations and restrictions on the expression of popular discontent.

Freedom of Association

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

Protection of Refugees

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

Durable Solutions: According to the UNHCR, the government granted refugee status to 86 persons.

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 register newborns through service desks in public hospitals and through "social-promoter" programs that visited rural neighborhoods.

Persons without citizenship documents were unable to obtain national identity cards (cedulas). An August study by the Institute for Development and Democracy of Nicaragua (IPADE) estimated that approximately 15.4 percent of the eligible population lacked identity cards. Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Women and children lacking identity cards were reportedly more vulnerable to sexual exploitation by traffickers.

Civil society organizations continued to express concern about the high cost and politicized distribution of identity cards, alleging that these barriers were an FSLN attempt to manipulate the November municipal elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists. The politicized granting of identity cards led to protests during the year, especially in the RAAN city of Siuna.

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: The November municipal elections were widely considered to be marked by a lack of transparency. Opposition political parties, NGOs, and the media complained of numerous irregularities in the CSE's management of the electoral process, including biased CSE decisions that gave undue advantage to the government's FSLN party. Among the irregularities observed on election day were preventing citizens from voting, violating the right to a secret vote, and complaints that some individuals were allowed to vote more than once.

Numerous postelectoral protests, including violent demonstrations, broke out in reaction to claims of fraud and alteration of official electoral results. Serious accusations of police repression and abuse surfaced in five municipalities (see section 1.c.). Postelectoral violence in early November claimed the lives of two opposition supporters in Ciudad Dario, Matagalpa. On November 5, Vidal Obando Lira died from severe injuries after an unidentified assailant struck him in the head during an altercation between pro-FSLN supporters and opposition sympathizers, while on the same day, Juan Lopez was shot and killed in a nearby street. The ANPDH publicly denounced the deaths and condemned a lack of action on the part of government authorities. No arrests were reported.

International observers and domestic civil society groups claimed significant irregularities marred the national elections in November 2011. In its final report, the EU noted a number of problematic findings, including a severe lack of transparency, the CSE's lack of neutrality and independence, ambiguous and cumbersome regulations within the electoral law, a failure to accredit experienced national election observation organizations, and outright obstruction of the opposition. The final report from the Organization of American States (OAS) election observer mission noted structural flaws in the electoral process and issued a number of recommendations to strengthen the country's electoral system. Problems noted in the 2011 national elections resurfaced in the November municipal elections, indicating that the government had not implemented the vast majority of the EU and the OAS electoral recommendations.

There were no updates related to the appeal against the presidential decree in April 2011 that redistricted three municipalities from the RAAS to the neighboring department of Chontales, allegedly to partition votes to benefit the FSLN.

Political Parties: The FSLN used state resources for political activities to enhance its electoral advantage. Several opposition political parties, as well as national election observation organizations such as IPADE and Ethics and Transparency, alleged the use of these resources and the electoral conditions created by the highly partisan CSE made it impossible for the opposition to compete fairly against the FSLN in the November municipal elections.

There were no further developments related to a pending 2011 CSJ case on the legal status of the main opposition party, the PLI, stemming from the November 2011 national elections. Opposition lawmakers claimed that the FSLN-controlled CSJ refused to resolve or dismiss the case to maintain the ruling party's ability to

illegally annul the elections of some, or all, of the PLI's elected National Assembly candidates.

The FSLN made party membership mandatory for most public-sector employees. The CPDH and FEDETRASEP reported that employees in various state institutions were required to affiliate with the FSLN and that to apply for a government position, an applicant must receive a written recommendation from the FSLN (see section 7.a.). FEDETRASEP also received reports that the FSLN automatically withdrew party dues from the paychecks of certain state employees.

Participation of Women and Minorities: There were 38 women in the 92-seat National Assembly, 10 women in 29 cabinet-level posts, and four women in the 16-member CSJ. Eight persons from indigenous and other ethnic groups were deputies in the National Assembly. In March the National Assembly amended Municipal Law 40, reforming a number of electoral processes and mandating that women constitute at least half of all candidates on political party candidate lists.

Section 4. Corruption and Lack of Transparency in Government

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

Executive branch officials continued to dispense economic and developmental assistance funds loaned by the Venezuelan-led Bolivarian Alliance for the Peoples of Our America (ALBA), which averaged more than \$600 million annually, outside the normal budgetary process controlled by the legislature. The media reported that ALBA-funded contracts were awarded to companies with ties to the Ortega family and noted that the funds from Venezuela served as a separate budget tightly controlled by the FSLN with little public oversight.

On May 28, CSE Magistrate Julio Cesar Osuna and several other government employees were arrested for allegedly using their positions to provide falsified citizenship documentation to alleged drug traffickers and to launder money from Honduras to Costa Rica. On September 26, Second Penal District Judge Adela Cardoza found Osuna guilty of organized crime and money laundering. Osuna was the highest government official ever convicted of clear involvement in facilitating narcotics trafficking.

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 the CPCs, which reportedly often coerced citizens into FSLN membership and denied services to opposition members. Persons seeking to obtain or retain public-sector employment, national identity documents, or voter registration were obliged to obtain recommendation letters from CPC block captains.

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

Public officials were subject to financial disclosure laws. The law requires these declarations be made public and provides for sanctions in cases of noncompliance. There were no known problems with compliance. The Office of the Comptroller is responsible for combating corruption within government agencies and offices. The impartiality of the comptroller, however, was seriously questioned, especially in regard to the lack of oversight of ALBA funds given directly to the government. Since 2007 the comptroller has not mandated sanctions due to noncompliance as required by law or investigated any government office.

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

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

A variety of domestic and international human rights groups operated in the country. 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 Hambre Cero, and frequently used FSLN-controlled CPCs to administer these programs.

Government actions regarding accreditation of domestic election observation groups were highly partisan. IPADE, which was denied accreditation during the 2011 national elections, joined EyT in deciding not to apply for accreditation during the year. In previous elections these two organizations had been critical of government and FSLN actions. Roberto Rivas, head of the CSE, informed both groups that they were considered politicized organizations and would therefore not receive accreditation if they applied during the year. However, the CSE accredited progovernment observation groups. Additionally, EyT and IPADE stated that CSE regulations for observation during the year's municipal elections did not conform to international standards.

Domestic NGOs under government investigation reported problems accessing the justice system and delays in filing petitions, as well as subjection to pressure from state authorities. Many NGOs 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 encountering hostility or aggression when questioning or speaking with officials on subjects such as corruption and rule of law.

Government Human Rights Bodies: Incumbent Omar Cabezas Lacayo's term as the PDDH human rights ombudsman and the terms of 25 members of the PDDH were extended indefinitely by the administration in 2010, without constitutional authorization. This led CPDH, CENIDH, and the general public to view the PDDH as politicized and ineffective. The CPDH stated that PDDH employees were required to attend FSLN campaign rallies, and the CENIDH claimed that PDDH observers in the November municipal elections were not impartial.

The PDDH reported receiving 3,503 complaints and investigating and ruling on 1,752 of those cases. Of those investigated the PDDH claimed to have found proof of violations in 443 cases and that public institutions complied with 295

resolutions of the total issued. The PDDH reported conducting 336 workshops and other training on human rights to both government workers and the general population, a 72 percent increase over last year.

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

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

The law prohibits discrimination on the basis of race, gender, sexual orientation, disability, language, or social status. However, the government did not regularly enforce these legal prohibitions. Those subject to such practices filed few discrimination suits or formal complaints due to a belief that their complaints would not be addressed and could lead to negative outcomes for those filing.

Women

Rape and Domestic Violence: The law criminalizes spousal and all forms of rape, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape are a minimum of eight years and a maximum of 12 years, or 15 in cases of aggravated rape. However, the government failed to enforce the law effectively, leading to widespread impunity and increased violence. Many women were reluctant to report abuse due to enforced medical examinations for survivors of rape and other sexual crimes, social stigma, fear of retribution, impunity for perpetrators, and loss of economic security. However, during the year the NNP reported a general increase in sexual crimes against women compared with 2011, including 1,659 cases of rape and aggravated rape and 3,087 cases of sexual abuse. There were no statistics available on investigations, prosecutions, or convictions. The Women's Network Against Violence (RMCV) found that as of September more than 60 percent of crimes against women went unpunished, and it claimed that attackers and abusers with political connections enjoyed impunity.

On January 26, the National Assembly passed the Comprehensive Law (Law 779) on Violence against Women, in response to increasing incidents of gender-based violence. This law imposes stricter sentences for gender-based offenses and codified several new crimes against women, including femicide. The law also created new positions for judges specializing in gender-based violence. Women's rights organizations claimed that following implementation of the law in June, the

government did not allocate sufficient resources to effectively carry out the stipulations of the law.

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 physicians often deterred women from submitting to the examination. Rape victims were often unaware or uninformed about the procedures required to process their cases and therefore often did not receive the necessary examinations in sufficient time.

The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. In September the NNP Women's Commissariat reported that only an estimated 17 percent of reported cases went to court, while most were resolved through mediation, which was often ineffective and led to patterns of abuse and impunity. While the law provides for the issuance of restraining orders, problems in the effective enforcement of such mandates continued, and they were not perceived as effective.

Violence against women remained high during the year, according to domestic and international NGO reports. The RMCV reported that 72 women were killed as of November, many of whom were also raped, beaten, maimed, or mutilated. By year's end courts convicted only three individuals for such killings. The RMCV reported that during the past seven years, the rate of such violence more than tripled with an increase in the severity of the crimes. Of the cases of violence against women filed with the judiciary, 62 percent were ruled petty crimes, even when the life of the victim was in danger. Between January and November, the NNP reported 3,839 cases of domestic violence, compared with 3,169 reported for 2011.

On August 9, a 12-year-old girl with mental disabilities was allegedly kidnapped at gunpoint and repeatedly raped by five NNP officers and a private security guard, all part of President Ortega's personal security team. The rapes allegedly took place in a private house within the security perimeter surrounding the president's official compound. Rights advocates claimed that, until the victim's father reported the case to CENIDH, the police had ignored the case. Although four of the five officers were expelled from the NNP, by year's end the courts had not issued a final ruling on the case, and two of the five had not been formally charged.

NNP commissariats provided social and legal help to women, mediated spousal conflicts, investigated and helped prosecute criminal complaints, and referred

victims to other governmental and nongovernmental assistance agencies. During the year 59 NNP women's commissariats operated in the country, five more than in 2011. 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, making a total of two government-operated shelters; there were 10 nongovernmental women's shelters. Women's groups state that the modest number of shelters did not adequately serve the population's needs, especially on the Atlantic Coast where only one nongovernmental shelter operated in the RAAN.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face from one- to three-year sentences, or three to five years if the victim is under 18. The NNP reported 81 cases of sexual harassment during the first half of the year; sexual harassment was likely underreported due to the failure of authorities to consider the abuse seriously and victims' fear of retribution.

Reproductive Rights: The Ministry of Health's (MINSAs) 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. Sixty-nine percent of married women used modern contraceptive methods. Access to information about contraception, skilled attendance at delivery, and postpartum care were more available in urban areas but improved slightly in remote areas, such as the Atlantic Coast. According to an official MINSAs report, in 2011 95 percent of pregnant women had access to prenatal care and 79 percent to postpartum care in public facilities. According to the Population Reference Bureau, 74 percent of births were attended by skilled personnel in 2011.

In the past 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. In the last two years, the access of men and transgender persons to reproductive health services, especially for HIV/AIDS prevention, has increased.

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.

Discrimination: The law provides equality for both genders, including within the family, workplace, and for property ownership, and the NNP Office of the

Superintendent of Women is responsible for enforcement. However, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses. Women earned 12 percent less than men for equal work. Women were much less likely to be senior officials or managers. Authorities often discriminated in property matters against poor women who lacked birth certificates or identity cards. The Office of the Human Rights Ombudsman's Special Prosecutor for Women and the Nicaraguan Women's Institute, the government entities responsible for protecting women's rights, had limited effectiveness.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. MiFamilia, the Civil Registry, and, to a lesser extent, the CSE are the agencies responsible for registering births but did not make data available.

Child Abuse: The NNP reported that during the first half of the year, authorities received 2,852 complaints of sex crimes against adolescent girls and brought charges in 82 percent of those cases. At year's end the NNP's reported cases of sexual violence against minors accounted for approximately 7 percent of total sexual violence cases.

There were no new developments or reported investigations regarding the alleged rapes by military personnel of underage members of the RAAS indigenous community of Monkey Point in 2011.

Child Marriage: The minimum legal age for marriage is 18 for girls and 21 for boys; with parental authorization it is 14 and 15, respectively. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's *2012 State of the World's Children* reported that 41 percent of women 20 to 24 years of age were first married or in union by age 18 (10 percent of them by age 15).

Sexual Exploitation of Children: The law prohibits adults from promoting or participating in child prostitution. 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. There is no law prohibiting prostitution by juveniles 14 years of

age or older. 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. The NNP reported 422 cases of statutory rape and aggravated statutory rape during the year. A 2011 study by the CSJ Institute for Forensic Medicine found that in cases of rape of a minor, persons known to the victim committed 80 percent of the violations.

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

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

International Child Abductions: The country is a signatory to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's annual report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities, but such discrimination was widespread in

employment, education, transportation, access to health care, and the provision of state services. Laws related to persons with disabilities did not stipulate penalties for noncompliant companies, although penalties may be issued under the general labor inspection code. MiFamilia, the Ministry of Labor (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 less than 1 percent of public sector employees hired 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 faced severe problems accessing schools, public health facilities, and other public institutions. Complaints continued regarding the lack of a handicap-accessible public transportation system in Managua. While some buses were accessible to persons with disabilities, reports continued that drivers of these equipped buses either refused to stop to allow persons with disabilities to board or intentionally broke lift and ramp equipment on their buses. The press reported that the Managua Mayor's Office sponsored relevant training for bus drivers through transportation cooperatives. The PDDH special prosecutor for disabled rights was active throughout the year. 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.

During the November municipal elections, the CSE accredited more than 200 volunteers to aid persons with disabilities in voting centers, along with maintaining the legal provision that allows the assistance of a family member in the voting process.

National/Racial/Ethnic Minorities

Various indigenous and other ethnic groups from the RAAN and the 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 the 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 the RAAS, along with others assumed to be from those areas, experienced discrimination, such as extra security measures and illegal searches by police.

No information on government efforts to address discrimination based on skin color, race, or ethnicity was available.

Indigenous People

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

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

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

There was no reported progress in the September 2011 death of Ronald Davis Martinez, killed after filing a complaint in the Awaltara Territory.

Some indigenous communities in the RAAN and the RAAS continued to report 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 the 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. However, 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 February the press reported that two attackers raped and killed Pablo Reyes Plata, a 40-year-old man in Ticuantepe, allegedly because of his sexual orientation and gender identity. Also in February Eddy Ramirez and his partner were beaten to death in the city of Leon. No arrests were reported for either case. In October the body of a young transgender woman who went by the name Nicole was found in Masaya, with signs of sexual assault. Four men were detained soon after the alleged killing, but there were no developments as of year's end.

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. 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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, protects 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 conciliation procedures impeded workers' ability to call strikes. Additionally, if a strike continues for 30 days without resolution, MITRAB has authority to suspend the strike and submit the matter to arbitration.

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

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, such reinstatement requires a judicial order. The law allows employers to obtain MITRAB's permission to dismiss any employee, including union organizers, provided the employer agrees to pay double the usual severance pay.

With some exceptions the government effectively enforced applicable laws and often sought to foster resolution of labor conflicts through informal negotiations rather than formal administrative or judicial processes. Although the law establishes a labor court arbitration process, long wait times and lengthy, complicated procedures detrimentally affected the court's deliberations, and many labor disputes were resolved out of court. MITRAB claimed 98 percent of cases resulted in a ruling favorable to the worker and reported 1,060 labor disputes in the courts over the first half of the year. However, labor and human rights organizations continued to allege that rulings were often unfavorable to workers. The International Labor Organization (ILO) noted that MITRAB imposed fines in

only 0.84 percent of cases. According to some labor organizations, penalties are not sufficient to deter violations, especially in the informal sector.

On October 31, the National Assembly passed a revised Procedural Labor and Social Security Code, which includes significant changes to the labor justice system. The law, which had not yet come into effect by year's end, introduces oral testimony, simplifies judicial proceedings, allows for specialized judges, sets a timeline within which cases must be resolved, and establishes a minimum value for a labor dispute to move to court.

There were reports that the government interfered in union activities, and some employers engaged in antiunion discrimination with impunity. Most labor unions 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 government ministries illegally disbanded 156 unions, including 23 unions during the year. Former ministry employees and human rights and labor organizations alleged that pro-FSLN public sector unions used intimidation and coercion to recruit new members, often pressuring workers to leave non-FSLN unions. The International Trade Union Confederation also noted that MITRAB failed to register FEDETRASEP's new executive committee.

Politically motivated firings of workers continued to be a problem. 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 CPC coordinators or other party officials required a letter of recommendation to obtain a public sector job. Since 2007, according to FEDETRASEP, 24,330 public sector employees were fired without just cause or due process of law, including 3,175 workers during the year. FEDETRASEP reported more than 700 million cordobas (\$30 million) in unpaid severance benefits to these public sector employees. As of July the Central American Court of Justice accepted four cases against the government for not abiding by previous judgments in favor of five state workers who had not been paid severance.

In the past MITRAB declared strikes illegal even when workers followed legal strike procedures. However, there were no known documented instances of strikes being declared illegal during the year. 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, but unions alleged that this practice was common.

In practice employers often did not reinstate workers fired for union activity or pay the required 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 to blacklist or fire union members with impunity 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 was no information available regarding government enforcement of these laws. However, civil society groups and international organizations reported an increase in government activities against trafficking in persons during the year.

There were no cases of forced labor reported to the NNP during the year. However, there were reports of men, women, and children subjected to forced labor in agriculture and domestic servitude.

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

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 old must have parental approval to work or enter into a formal labor contract. The law prohibits teenage domestic workers from sleeping in the houses of their employers. It is illegal for minors to work in places that MITRAB considers harmful to their health or safety, such as mines, garbage dumps, and night entertainment venues, and to undertake certain agricultural work. The law provides for eight-year prison terms and substantial

finances 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. In the first six months, MITRAB reported conducting 2,546 special child labor inspections, resulting in 759 children under 14 being removed from the workplace and in the identification of 4,509 adolescent workers. During the same period, MITRAB held tripartite meetings to address child labor problems, but no information was available on specific actions of the tripartite partners during the year.

The National Commission for the Progressive Eradication of Child Labor and Adolescent Worker Protection, a consortium of government agencies and NGOs, is charged with coordinating child labor policies. The commission was last convened in 2009, and most NGOs considered it 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 remained widespread. The most recent (2005) national survey of adolescent and child labor estimated there were approximately 239,000 working children between five and 17 years old, of whom 36 percent were younger than 14. According to the National Institute of Development Information, almost 320,000 children worked in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the institute stated that 80 percent of children and adolescents were unpaid workers.

Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy, orange, bananas, tobacco, palm, and sugarcane; cattle raising; street sales; garbage-dump scavenging; and transport. According to the ILO, children were 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 domestic servitude.

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 3,448 cordobas (\$144) per month. According to MITRAB the average legal minimum wage covers 31.6 percent of the cost of basic goods. The government implemented a 12.5 percent increase to the minimum wage (13 percent for the agricultural sector), incrementally over two semesters. Numerous NGOs claimed that the approved increases did not cover rising expenses due to an increased cost of living, particularly in Managua.

On October 18, the National Assembly voted to broaden rights ensuring decent work for domestic workers, including expanding union rights, reducing the length of the workday, and assuring social security benefits. However, required implementing legislation had not been passed at year's end, and the legislation had not yet entered into force.

The standard legal workweek is a maximum of 48 hours, with one day of rest. The law dictates an obligatory year-end bonus equivalent to one month's pay, proportional to the number of months worked. There are 10 paid national holidays per year. The law mandates premium pay for overtime and prohibits compulsory overtime.

The law establishes occupational health and safety standards. The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaboration with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities. During the first six months of the year, MITRAB reported conducting 1,276 health and safety inspections and registered 6,820 workplace accidents, including 13 registered deaths. In 2011 MITRAB reported 9,942 registered labor accidents and 46 deaths. According to data submitted to the ILO, the government reported that in 2011, labor inspectors conducted 9,749 inspections and 481 reinspections, imposing fines totaling approximately 423,000 cordobas (\$17,700) in 34 cases.

In general the minimum wage was enforced only in the formal sector. MITRAB maintained a hotline for complaints of labor violations and reported receiving

4,620 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.

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