

NICARAGUA 2015 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua is a multiparty constitutional republic, but in recent years political power has become concentrated in a single party, with an increasingly authoritarian executive branch exercising significant control over the legislative, judicial, and electoral branches. In 2011 the Supreme Electoral Council (CSE) announced the re-election of President Daniel Ortega Saavedra of the Sandinista National Liberation Front (FSLN) in elections that international and domestic observers characterized as seriously flawed. International and domestic organizations raised concerns regarding the constitutional legitimacy of Ortega's re-election. The 2011 elections also provided the ruling party with a supermajority in the National Assembly, allowing for changes in the constitution, including extending the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws during the 2012 municipal elections and March 2014 regional elections. Civilian authorities generally maintained effective control over the security forces.

The principal human rights abuses were restrictions on citizens' right to vote; obstacles to freedom of speech and press, including government intimidation and harassment of journalists and independent media, as well as increased restriction of access to public information, including national statistics from public offices; and increased government harassment and intimidation of nongovernmental organizations (NGOs) and civil society organizations.

Additional significant human rights abuses included considerably biased policies to promote single-party dominance; arbitrary police arrest and detention of suspects, including abuse during detention; harsh and life-threatening prison conditions with arbitrary and lengthy pretrial detention; discrimination against ethnic minorities and indigenous persons and communities. There was also widespread corruption, including in the police, CSE, Supreme Court of Justice (CSJ), and other government organs; societal violence, particularly against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; societal discrimination against persons with disabilities; discrimination against persons with HIV/AIDS; and violations of trade union rights.

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

Section 1. Respect for the Integrity of the Person, Including Freedom from:**a. Arbitrary or Unlawful Deprivation of Life**

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

On January 20, Modesto Duarte Altamirano was shot and killed in the northern town of Santa Maria de Pantasma, Jinotega. According to several witnesses, the killing occurred during a military operation in response to an explosion on Altamirano's property that killed two members of a rearmed group and wounded another two. Altamirano was allegedly supporting an armed group that opposes the government. Witnesses stated that the military operation began within a few minutes of the explosion. Civil society organizations and reports in the independent press alleged the army either was directly responsible in planning the explosion or had prior knowledge. The army denied having any such operation, and as of October there were no further investigations into the incident.

On July 11, Nicaraguan National Police (NNP) members shot at a vehicle and killed a woman and two children in Las Jaguitas, Managua, during a failed counternarcotics operation. The NNP relieved nine officers of their duties, and the officers received prison terms between two and 11 years. Observers noted that the prison terms were below the expected punishment, compared with similar cases not involving police officers.

There were no developments in or investigations of the July 2014 killing of Carlos Garcia, former Contra member and member of the Independent Liberal Party (see also section 1.d., Role of the Police and Security Apparatus). There were no developments in or investigations of the 2013 killing of four civilians, including former Contra leader Joaquin Torres Diaz, alias "Cascabel," or the 2013 killing of Yairon Diaz Pastrana in Pantasma, all allegedly killed by military forces.

b. Disappearance

There were no reports of politically motivated disappearances.

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

Although the law prohibits such practices, there were reports that police frequently abused suspects during arrest, used excessive force, and engaged in degrading treatment. In the first nine months of the year, the Nicaraguan Human Rights Center (CENIDH) received 419 complaints against the NNP for excessive force, arbitrary detention, and cruel or degrading treatment, including in prisons.

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 alleged the directorate, a special police investigations unit, operated outside the normal NNP chain of authority and was not accountable to normal internal affairs procedures of the NNP.

During its investigation into the January 20 explosion in Santa Maria de Pantasma, the NNP and army led raids and detained a number of citizens in the northern community. On March 25, a young woman reported to human rights organizations that a high-ranking police officer raped her while she was detained in a preventive holding cell. The NNP stated it investigated the case and found that no such incident occurred. The mother of the victim claimed that both she and her daughter were under police surveillance after the victim was released. The victim did not file charges against the officer. On August 25, the NNP arrested three men in the community of Santa Elena, Southern Caribbean Autonomous Region (RACS), for the killing of five police officers. One suspect alleged the NNP beat him and removed a fingernail while he was in detention.

Prison and Detention Center Conditions

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

Physical Conditions: As in previous years, overcrowding of prisons remained a problem. Pretrial detainees often shared cells with convicted prisoners. Juvenile prisoners shared cells with adults due to overcrowding. Human rights organizations reported police regularly left suspects in holding cells during their trials due to negligence or a lack of government funds to transport them to court.

Prison conditions continued to deteriorate due to antiquated infrastructure and increasing inmate populations. Many prisoners suffered mistreatment from prison officials and other inmates. Inmates also suffered from parasites, inadequate medical attention, frequent food shortages, contaminated water, and inadequate sanitation. Family members, churches, and charitable organizations supplemented the national budget of 10 cordobas (\$0.36) per prisoner per day for food. There was no budget allocation for health or personal care.

On May 3, Francisco Javier Ponce Sanarrusia died while being held in the DAJ prison. Officials ruled his death a suicide, saying he hanged himself using a long-sleeve shirt. Family members, however, were adamant that Ponce would not commit suicide and claimed his body had several bruises. Additionally, inmates in this prison do not wear long-sleeve shirts. The NNP admitted it mistakenly provided a long-sleeve shirt to Ponce but stated there was no further wrongdoing.

Conditions for female inmates were generally better than those for men but were nevertheless overcrowded and unhygienic.

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

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

Independent Monitoring: In October the government allowed the NGO Permanent Commission on Human Rights (CPDH) and the Nicaraguan Pro Human Rights Association (ANPDH) to inspect prison conditions in one prison but frequently denied prison visits by other local human rights groups as well as the media. The government denied CENIDH access to all prison facilities when the organization

attempted to investigate reports of hazardous conditions. NGOs generally received complaints through family members of inmates and often were unable to follow up on cases until after the release of the prisoner, due to lack of access.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government and its agents did not always comply with or enforce the law. Human rights NGOs noted several cases of arbitrary arrests by the NNP and army, including one high-profile case linked to investigations into the assassination of five police officers near Punta Gorda in the RACS, as well as in cases related to protests in Chichigalpa, Bonanza, and Leon.

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 NNP Office of Internal Affairs is responsible for investigating complaints and abuses regarding police officers or internal police activities. 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 ministry has the General Directorate for Migration and Foreigner Services, which works together with the police to oversee topics of migration and border security. Observers noted that changes in the constitution and police code enacted in 2014 increased presidential control over the police.

The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and providing for the transportation of election-related materials, including ballots. While the army falls under the Ministry of Defense, many informed observers believed the ministry's control has been limited since 2007 when the army began functioning as an autonomous force responding directly to the president. Such an impression was reinforced by constitutional reforms and reforms to the military code enacted in 2014, which give the president greater control over the army. The Office of the Inspectorate General is responsible for investigating abuses and corruption, but limited public information was available on its activities.

There were instances in which the Ministry of Interior failed to maintain effective control over the NNP, and the government failed 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. Due to the lack of updated official statistics and a general lack of access to public information, human rights organizations and experts on security found it difficult to discover how the NNP investigated allegations of human rights violations by its members. The government generally did not take action on complaints against security forces.

NGOs reported that President Ortega's use of his position as commander in chief had politicized the NNP and led many to question its professionalism. For instance, the president repeatedly extended the term of the national chief of police, first through a 2011 executive decree that allegedly violated term limits prescribed in law at the time and then through the approval of a new police code and sweeping constitutional changes in 2014. The media also highlighted the NNP's use of an emblem with President Ortega and Sandino's shadow as part of the officer's uniform, and the use of the FSLN red and black party flag painted on select police stations. NGOs and the press also alleged the NNP continued to provide preferential treatment for progovernment and FSLN rallies.

On December 2, the National Assembly passed the Sovereign Security Law, broadening the definition of state sovereignty and security and establishing a National Committee of Sovereign Security (NCSS), an executive-level committee with the enforcement backing of the military. The law defines "sovereign security" as the "existence of permanent peace" within the country and additionally states the government is responsible to protect against "any risk, threat, or conflict that puts itself against sovereign security." The law includes "any other factor that creates danger to the security of the people, life, family, and community, as well as the supreme interests of the Nicaraguan nation," when outlining potential risks and threats to the nation's sovereign security. The law stipulates the NCSS will consist of representatives from the NNP and the military and will have the power to dispatch security forces. Human rights groups expressed strong concern over the law and its implications on democratic space in the country.

Impunity remained a problem. There were no developments in the 2012 death of former Contra member Santos Guadalupe Joyas Borge ("Pablo Negro") or in the

2012 case of community leaders Pedro Ramon Castro and Miguel Angel Oliva, who allegedly were killed by four NNP members in the municipality of Pantasma.

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

Arrest Procedures and Treatment of Detainees

The law requires police to obtain a warrant from a judicial authority prior to detaining a suspect and to notify family members of the detainee's whereabouts within 24 hours. While the law also stipulates a prosecutor accompany police making an arrest, CENIDH claimed irregularities in arrest procedures led to arbitrary arrest and detentions. Police may hold a suspect legally for 48 hours before arraignment, when they must bring the person before a judge. A judge then must order the suspect released or transferred to jail for pretrial detention. After the initial 48 hours, the suspect should be allowed family member visits. The detainee has the right to bail unless a judge deems there is a flight risk. In most instances detainees were informed of charges against them, although at times there were delays. Detainees have the right to an attorney immediately following their arrest, and the state provides indigent detainees with a public defender.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly. Observers noted arbitrary arrests in the aftermath of an explosion and subsequent shooting spree in Pantasma, during the protests in Mina El Limon, and in Chichigalpa. Notably, witnesses declared that undercover police officers arrested Francisco Javier Ponce Sanarrusia without notification of the reason. Sanarrusia died while in custody.

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

e. Denial of Fair Public Trial

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

Trial Procedures

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

In October the CSJ passed an administrative order prohibiting public defenders from representing those unable convincingly to demonstrate inability to afford legal counsel. The order further prevents public defenders from representing those charged in cases of drug trafficking, organized crime, human trafficking, and sexual abuse of minors.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

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

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

Property Restitution

While the government resolved some property claims during the year, it regularly failed to enforce court orders with respect to seizure, restitution, or compensation of private property. Enforcement of court orders was frequently subject to nonjudicial considerations. Members of the judiciary, including those at senior levels, were widely believed to be corrupt or subject to political pressure. The government failed to evict those who illegally took possession of private property. Several foreign citizens claimed they were arrested and at times sentenced for unrelated--and they claimed untrue--crimes, due to outstanding property disputes with well-placed citizens of the country. Several domestic NGOs, members of the Catholic Church, and opposition members alleged the government seized minor private property such as laptops, cell phones, and vehicles, without due process.

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

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Freedom of Speech and Expression: Some individuals suffered reprisals for expressing public opinions on matters of special importance to the ruling party. On January 8, First Lieutenant Yadder Nicolas Montiel was arrested by the army and charged with failing to follow the military decorum code. Montiel had expressed his views on police repression against an anticlanal protest in December 2014. He made the remark while on leave from his duties and was not wearing his uniform. A military court tried Montiel and sentenced him to three months and 15 days in prison.

Press and Media Freedoms: Independent media were active and expressed a variety of views. The government, however, sought to restrict media freedom through harassment, censorship, and use of national security justifications. Private individuals sympathetic to the government also harassed the media for criticizing the government. President Ortega occasionally used a law that allows for government broadcasts of emergency messages to force national networks either to broadcast his speeches or cease other programming during those times.

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

Since 2008 the General Law (Law 200) on Telecommunications has been in review in the National Assembly. Until the final reforms to the law are approved or denied, media outlets are unable to apply for new broadcasting licenses. Nevertheless, the government granted licenses in a discretionary manner. While the validity of existing broadcasting licenses was extended indefinitely, human

rights groups and the media criticized the legal insecurity created by the lack of telecommunications legislation.

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

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

On May 31, the Nicaraguan Telecommunications Office seized the broadcast equipment of Radio Voz de Mujer in the northern town of Jalapa, reportedly because the station was broadcasting on an unauthorized frequency. Voz de Mujer was run by an NGO that focuses on women's issues and that many times criticized the government's policies on such issues. The law does not provide for the seizure of equipment as a punitive measure against a radio station. Despite a request for an official review of the case, as of November the station had not resumed broadcasting.

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 July 8, journalists Larry Sevilla and Moises Julian Castillo from Radio Corporacion, and the cameraman for VosTV, Luis Mora Duarte, were injured during a police disruption of a protest in front of the CSE. Jorge Torres, photographer for *La Prensa*, and Esteban Felix, photojournalist for the Associated Press, reported that members of the antiriot

police destroyed their cameras. Between June 6 and June 9, a journalist working for Radio Dario in Leon was harassed and threatened after covering the firing of a well-known civil society leader from the Universidad Nacional Autonoma de Nicaragua (UNAN-Leon). There were no investigations into the allegations made by *La Prensa* reporter Elizabeth Romero that she was being followed, that information on her phone had been accessed, and that she was being harassed because of her journalistic coverage of the subject of the armed groups operating in the country.

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

The government continued to enforce the controversial Law 528, or "Ley Arce," which print media owners and international NGOs claimed restricted the public's access to independent and opposition newspapers through the establishment of high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite protections in the constitution protecting the right to freedom from tariffs for media. Journalist organizations expressed concern regarding the lack of government support for the media sector and their organizations.

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

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; however, several NGOs claimed the government monitored their e-mail without appropriate legal authority. Additionally, paid government supporters

used social media and website commentary spaces to harass prominent members of civil society, human rights defenders, and a well-known journalist.

The International Telecommunication Union reported that 2 percent of citizens had fixed broadband subscriptions and 17.6 percent of individuals used the internet in 2014.

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.

On June 5, Gabriel Alvarez was dismissed as law professor at UNAN-Leon. Officials based his termination on the findings of a commission that claimed Alvarez arrived late, did not show up to teach classes, did not attend teachers meetings, and had harassed two students. Alvarez was a prominent member of two civil society organizations that were critical of the ruling party. Many observers and Alvarez himself believed that he was fired in reprisal for his opinions against the government.

On November 30, Universidad Americana (UAM), one of the most prestigious private universities in Nicaragua, fired two of its most prominent professors, Alejandro Aguilar and Alvaro Porta. Both professors alleged their criticism of President Daniel Ortega and government policies ultimately led to their termination. The decision to remove the two professors, who also served as dean of their respective departments, was made by the university's board of directors; the military's Pension Institute holds majority ownership of UAM.

According to the Nicaraguan Educational Forum and the Democratic Federation of Public Sector Workers (FEDETRASEP), from 2007 to 2014 approximately 3,170 teachers were fired and 110 unions were eliminated for political reasons.

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

children of FSLN members, politicized issuance of scholarships, and use of pro-FSLN education materials.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

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

On March 8, police obstructed a march organized by women's rights groups in commemoration of International Women's Day. Progovernment sympathizers organized a competing rally. Police prevented the women's rights groups from marching and protected the progovernment rally, stating their decision was intended to avoid potential clashes. On July 8, antiriot police used excessive force against approximately 300 protesters in front of the CSE. On October 27, groups opposing the planned construction of an interoceanic canal organized a nationwide protest centered in Managua. Organizers reported that police arbitrarily stopped thousands of protesters and prevented their participation. The government organized a competing march on the same day. According to reports from both independent media and human rights groups, the competing march proceeded without incident and received full cooperation from the police.

Freedom of Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

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

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

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) through humanitarian organizations, such as the International Organization for Migration, in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, or 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. Only the executive branch or the country's embassies abroad may grant asylum for political persecution.

Durable Solutions: According to UNHCR the government granted refugee status to 280 persons as of December 2014.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections based on universal and equal suffrage; however, the government restricted the exercise of this ability.

In January 2014 the legislature, in which the ruling party held a supermajority, passed constitutional reforms that the Ortega administration introduced in 2013. The reforms give presidential decrees the force of law; allow uniformed military and police officials to hold public office; greatly expand government control over communications, including the internet; allow indefinite re-election; institutionalize FSLN-led Citizen Power Councils (CPCs), to be renamed Family Cabinets; extend the terms of public officers indefinitely if the National Assembly does not name new officers; and model the government after the state-sanctioned values of "Christianity, Socialism, and Solidarity."

Elections and Political Participation

Recent Elections: The March 2014 regional elections in the autonomous Caribbean Coast were marred by allegations of institutional fraud and intimidation. Observers alleged military and police officials, as well as citizens from other regions in the country, entered the region with the express purpose of casting extra votes for one particular party. Eyewitness citizen videos, showing residents with Managua identification cards voting on the Caribbean Coast, circulated online via social media. Opposition party members also reported that throughout the Caribbean Coast government vehicles and other public resources were used to transport supporters of the ruling party to voting centers. The indigenous party YATAMA claimed the ruling party used its control over the CSE to commit fraud. Among the irregularities observed on election day were electoral authorities preventing citizens from voting and violating the right to a secret vote, in addition to complaints that some individuals were allowed to vote more than once.

Political Parties and Political Participation: The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. The FSLN made party membership mandatory for an increasing number of public sector employees. The CPDH and ANPDH 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. The ANPDH also received reports the FSLN automatically deducted party dues from the paychecks of certain state employees.

The FSLN also used its positions of authority to decide who could obtain national identity cards (cedulas). Persons without identity cards had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership. Civil society organizations continued to express concern about the politicized distribution of identity cards, alleging this was how the FSLN attempted to manipulate past elections and that the CSE failed to provide identity cards to opposition members while widely distributing them to party loyalists.

On September 21, Brooklyn Rivera, an indigenous Miskito and prominent member of the indigenous party YATAMA, was stripped of his position as deputy in the National Assembly. The majority ruling party voted in favor of his removal in the National Assembly but failed to follow proper procedures. Shortly before his removal, Rivera publicly accused the ruling party of being involved in violent acts

against indigenous groups in the northern region over issues related to land ownership.

Section 4. Corruption and Lack of Transparency in Government

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

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

Independent media, human rights groups, and opposition parties reported President Ortega's administration blurred distinctions between the FSLN and the government through its use of FSLN-led family cabinets and party-controlled Sandinista leadership committees (CLSs). The government administered subsidized food, housing, vaccinations, access to clinics, and other government benefits directly through either the family cabinets or CLS system, 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 CLS block captains. The government continued to devolve legal responsibilities to Family Cabinets, community-based bodies operating in the same fashion as CPCs, specifically regarding mediation processes in cases of domestic violence.

In 2013 the government awarded a 50-year concession, with the possibility of a 50-year extension, to the Hong Kong Nicaraguan Canal Development Investment Company (HKND) to build and operate an interoceanic canal through the country. The concession was awarded with little or no previous public debate and without an openly competitive process. Civil society organizations, scientists, environmentalists, and indigenous groups expressed concerns over the project, mainly due to lack of information or public consultation regarding the concession process, the potential environmental and social impact, and the technical and economic feasibility of the canal. Additionally, landowners along the canal route

protested the law's provisions that their land is to be bought at cadastral and not market value. Following the announcement of the concession, more than 50 marches occurred protesting the construction of the interoceanic canal, with the largest occurring in Managua on October 27. On November 5, the Nicaraguan National Commission for the Grand Interoceanic Canal approved an international firm's environmental and social impact study commissioned by HKND. Independent national and international environmental specialists stated the study was vague in some areas and that it required further scientific studies and public consultations to fully comply with international standards.

Corruption: The courts remained particularly susceptible to bribes, manipulation, and other forms of corruption, especially by the FSLN, giving the sense that the FSLN heavily influenced CSJ actions. Observers noted delays in the administration of justice, such as in the cases of those arrested in Mina El Limon and Chichigalpa. The judge did not hold the initial hearings, stating he had health problems, but he held other hearings and was present at court during the same period. The time allotted by law to start the hearings expired. Some observers suggested a specific political motivation in keeping those arrested in jail was a concern that the protests endangered economic interests affecting the ruling party.

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

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

to national security and trade secrets. There are no mandated timelines for compliance with disclosure requests.

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

A variety of domestic and international human rights groups operated in the country. Although organizations dedicated to humanitarian activities generally operated without restriction, government officials harassed and intimidated domestic and international NGOs that were critical of the government or the FSLN. Some NGOs continued to report that intimidation by government officials created a climate of fear intended to suppress criticism. The government continued to prevent non-FSLN-affiliated NGOs and civil society groups from participating in government social programs, such as Programa Amor and Hambre Cero, and it frequently used FSLN-controlled CPCs to administer these programs. Increased government restrictions on domestic NGOs' ability to receive funding directly from international donors seriously hindered the NGOs' ability to operate.

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

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

The United Nations or Other International Bodies: During its October 19-23 special session, the Inter-American Commission on Human Rights' expressed the importance of visiting the country. The commission had made this request several times in previous sessions and received a promise from the government to process its request, but as of December the commission had not received an invitation to visit the country.

Government Human Rights Bodies: In April 2014 the administration named Omar Cabezas head of the Office of the Ombudsman for Human Rights (PDDH). His term had expired and was extended by presidential decree at a time when the National Assembly was supposed to approve appointments. Constitutional

changes approved in 2014 allow for the automatic extension of terms for public officers if the National Assembly has not made a decision on their replacement or reinstatement. The public perceived the PDDH as politicized and ineffective.

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

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

The law prohibits discrimination based on race, gender identity, religion, political opinion, national origin or citizenship, social origin, disability, language, or HIV-positive status or other communicable diseases; however, the government did not regularly enforce these legal prohibitions. Persons thus discriminated against filed few 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 range from eight to 12 years, or 15 years in cases of aggravated rape. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. The government failed to enforce the law effectively, however, leading to widespread impunity and increased violence. Many women were reluctant to report abuse due to enforced medical examinations for survivors of rape and other sexual crimes, social stigma, fear of retribution, impunity for perpetrators, and loss of economic security. While the law provides for the issuance of restraining orders, problems in the effective enforcement of such mandates continued, and they were not perceived as effective. Observers reported a general increase in sexual crimes against women compared with 2014. The NNP reported 1,126 cases of rape and aggravated rape and 1,090 cases of sexual abuse in 2013, the most recent data available. The Institute of Legal Medicine within the judicial branch, however, reported investigating 6,069 incidents of sexual violence in 2013, constituting 9 percent of their investigations. There were no comprehensive statistics available on prosecutions or convictions.

Violence against women remained high, according to domestic NGO reports. The NGO Network of Women against Violence reported that, between January and June, 35 women were killed, many of whom were raped, beaten, or maimed. The

NGO reported that during the past seven years, the rate of such violence more than tripled, with an accompanying increase in the severity of the crimes. Women's rights organizations claimed police generally understated the level of violence against women. Women's rights NGOs continued to protest the presidential decree on regulations for Law 779 regarding violence against women.

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. The NNP operated women's commissariats in the country, but they often lacked sufficient equipment and funding to discharge their responsibilities adequately. Women's groups asserted the modest number of shelters (two government-operated and 11 nongovernmental) did not adequately serve the population's needs, especially on the Caribbean Coast, where only one shelter (nongovernmental) operated in the RACN.

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

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, or violence. The latest World Health Organization figures estimated the maternal mortality rate to be 150 per 100,000. Women in some areas, such as the RACN and the RACS, did not have widespread access to medical care or programs, and maternal death was more likely to affect poor rural women than their urban counterparts.

Access to information about contraception, skilled attendance at delivery, and postpartum care were available in most urban areas, and coverage improved in rural and remote areas, such as the Caribbean Coast. Emergency health care was generally provided, but in some cases, women were afraid to seek medical treatment for postabortion obstetric emergencies, due to a no-exceptions ban on abortion. Observers noted the Ministry of Health made progress in quality, coverage, distribution, and usage of contraceptives through successful family planning programs.

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

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Local civil registries register births within 12 months; however, many persons, especially in rural areas, lacked birth certificates. Persons without citizenship documents were unable to obtain national identity cards and consequently had difficulty participating in the legal economy, conducting bank transactions, or voting. Such persons also were subject to restrictions in employment, access to courts, and land ownership.

The government continued to register newborns through service desks in public hospitals and through "social-promoter" programs that visited rural neighborhoods. MiFamilia, the Civil Registry, and, to a lesser extent, the CSE are the agencies responsible for registering births, but they did not make data available.

Child Abuse: The NNP reported that in 2013, the most recent period for which data was available, authorities received 1,242 complaints of sex crimes against adolescent girls and brought charges in 93 percent of those cases. On October 20, during the hearings of the Inter-American Commission on Human Rights, civil society organizations reported that 83 percent of sexual violence victims were age 16 or younger.

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

Early and Forced Marriage: The minimum legal age for marriage is 18 years for girls and boys; with parental authorization, it is 16 through 18. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's *2013 State of the World's Children* reported that 41 percent of women 20 to 24 years of age were first married or in a union by age 18 (10 percent of them by age 15). No information was available on government efforts to address or prevent forced and early marriage, and some advocates claimed the government did not enforce the law effectively.

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

The 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 tourists. There were anecdotal reports of child-sex tourism in the Granada, Rivas, Chinandega, and Managua departments; there were no officially reported cases during the year.

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

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

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

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. The law does not restrict persons with disabilities' right to vote, although many voting facilities were not accessible to persons with disabilities. Complaints continued regarding the lack of an accessible public transportation system in Managua. While some buses were accessible to persons with disabilities, reports continued that drivers of these equipped buses either refused to stop to allow persons with disabilities to board or intentionally broke lift and ramp equipment on their buses. The press reported the Managua Mayor's Office sponsored relevant training for bus drivers through transportation cooperatives. The PDDH special prosecutor for disability rights was active throughout the year. Government clinics and hospitals provided care for veterans and other persons with disabilities, but the quality of care generally was poor.

National/Racial/Ethnic Minorities

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

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

Indigenous People

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

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

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

completed. Additionally, the government failed to implement the relocation or removal of nonindigenous populations from ancestral indigenous lands, leading to a significant increase in violence in the second half of the year, specifically in the RACN. According to media reports and local indigenous groups, violence resulted in at least 10 deaths and 20 injured between June and October and accounted for as many as 1,000 persons displaced from their communities into neighboring towns, such as Bilwi, and some to Honduras.

Some indigenous communities in the RACN and the RACS 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 the government failed to invest in infrastructure. Throughout the year indigenous leaders alleged logging concessions granted to private firms and government-affiliated businesses, such as ALBA-Forestal, by the regional and national governments continued to operate in violation of national autonomy laws in the RACS and the RACN.

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

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

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

Although sexual orientation is not mentioned specifically, the law states all persons are equal before the law and provides for the right to equal protection. LGBTI persons, however, continued to face widespread societal discrimination and abuse,

particularly in housing, education, and employment (see section 7.d.). While the special prosecutor for sexual diversity was active throughout the year in education, information collection, and collaboration with NGO efforts, the LGBTI community generally believed the office had insufficient resources. No specific laws exist to punish hate crimes against LGBTI groups. The family code, a set of laws pertaining to family-related matters that came into effect in April, establishes that a family comprises a man and a woman joined in marriage or common-law marriage. LGBTI organizations believed the definition of a family was discriminatory, especially on topics of adoption and access to social security benefits.

HIV and AIDS Social Stigma

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

A nondiscrimination administrative resolution issued by the Ministry of Health establishes methods to file complaints against health workers in cases of discrimination against sex workers or HIV/AIDS patients or on the basis of gender orientation. The resolution also establishes sanctions for health workers found to have discriminated against patients for these reasons.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of all workers in the public and private sectors, with the exception of those in the military and police, to form and join independent unions of their choice without prior authorization and to bargain collectively. The constitution recognizes the right to strike, although it places some restrictions on this right. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity. Nevertheless, employers routinely used their right to obtain the Ministry of Labor's permission to dismiss any employee, including union organizers, immediately after being reinstated, provided the employer agrees to pay double the usual severance pay. Burdensome and lengthy conciliation procedures impeded workers' ability to call strikes. Additionally, if a strike continues for 30 days without resolution, the Ministry of Labor has authority to suspend the strike and submit the matter to arbitration.

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

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

Freedom of association and the right to collective bargaining were generally respected, but, as with other independent groups, the government often intervened based on politically motivated interests. Most labor unions allied themselves with political parties. There continued to be reports the government interfered in union activities in the public sector, including illegal dissolution of unions and firing of workers not associated with the ruling FSLN. FEDETRASEP reported that between 2007 and 2014, government ministries illegally disbanded 177 unions. Former ministry employees and human rights and labor organizations alleged pro-FSLN public sector unions used intimidation and coercion to recruit new members, often pressuring workers to leave non-FSLN unions.

Politically motivated firings of workers continued to be a problem. FEDETRASEP reported the firings were carried out for political reasons, such as refusal of the worker to join the FSLN or participate in FSLN demonstrations, and alleged party secretaries, family cabinet coordinators or other party officials required a letter of recommendation from applicants for a public sector job. From 2007 to 2014, according to FEDETRASEP, 27,390 public sector employees were fired without just cause or due process of law. FEDETRASEP reported more than 726 million cordobas (\$26.2 million) in unpaid severance benefits to these public-sector employees. The Central American Court of Justice accepted four cases against the government in 2012 for not abiding by previous judgments in favor of

five state workers who had not been paid severance. In 2012 the court ruled in favor of state workers in each of the four cases; however, no financial awards had been paid by 2014. The court also ruled in favor of 10 former PDDH employees, fired in 2009 due to union affiliation. In 2014 none of the state workers had been reinstated or received severance payment, despite the favorable ruling. FEDETRASP argued similar instances of public sector employees being fired without receiving severance pay continued to occur as of October.

There were no known high-profile documented instances of strikes being declared illegal during the year. Wildcat strikes--those in which workers engaged without union authorization--have historically been common. During a strike employers cannot hire replacement workers, but unions alleged this practice was common. In October the NNP violently suppressed a worker's protest in El Limon mine in Leon. The protest started because the Ministry of Labor ruled in favor of the firing of three union leaders.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Penalties for violations range from five to eight years in prison but were generally insufficient to deter violations. There was no information available regarding government enforcement of these laws. Despite reported political will to combat human trafficking, including labor trafficking, during the year the government prosecuted and convicted fewer traffickers than in the previous year and, in contrast with previous years, provided only limited information about its law enforcement efforts.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

The government used its limited resources to concentrate on child labor violations in select sectors in narrow geographic areas, such as coffee-growing regions, and gave only limited attention to the large informal sector.

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

Child labor remained widespread. A 2005 National Institute of Development Information national survey of adolescent and child labor estimated there were 238,800 working children between five and 17 years old, of whom 80 percent performed high-risk labor and 36 percent were younger than 14. According to organizations that work on children's rights, this likely increased to almost 320,000 children working in some form of child labor. A common feature of child labor was the prevalence of unpaid family work, and the institute stated 80 percent of children and adolescents were unpaid workers.

Most child labor occurred in forestry, fishing, and the informal sector, including on coffee plantations and subsistence farms. Child labor also occurred in the production of dairy products, oranges, bananas, tobacco, palm products, coffee,

rice, and sugarcane; cattle raising; street sales; garbage-dump scavenging; crushing stone; street performing; and transport.

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

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

d. Discrimination with Respect to Employment or Occupation

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

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

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. It is calculated differently for each sector, and the average was 4,259 cordobas (\$153) per month. According to the Ministry of Labor, the average legal minimum wage covers 35 percent of the cost of basic goods.

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

The National Council of Labor Hygiene and Safety, including its departmental committees, is responsible for implementing worker safety legislation and collaborating with other government agencies and civil society organizations in developing assistance programs and promoting training and prevention activities.

Information on government enforcement of such legislation was not publicly available.

In general the minimum wage was enforced only in the formal sector. Information on government enforcement of such legislation was not publicly available. The ministry is the primary enforcement agency, but the government did not allocate adequate staff or resources to enable the Office of Hygiene and Occupational Safety to enforce occupational safety and health provisions. Established penalties were generally sufficient to deter violations.

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

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