

NICARAGUA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Nicaragua is a multiparty constitutional republic, but actions by the ruling Sandinista National Liberation Front (FSLN) party resulted in the de facto concentration of power in a single party, with an authoritarian executive branch exercising significant control over the legislative, judicial, and electoral functions. President Daniel Ortega Saavedra of the FSLN was inaugurated to a third term in office in January following an electoral process regarded as deeply flawed by domestic organizations and the international community. The 2016 elections also expanded the ruling party's supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers have noted serious flaws in municipal, regional, and national elections since 2008. Civil society groups, international electoral experts, business leaders, and religious leaders identified persistent flaws in the 2017 municipal elections and noted the need for comprehensive electoral reform.

Civilian authorities at times did not maintain effective control over the security forces.

The most significant human rights issues included reports of arbitrary or unlawful killings; torture during detention; harsh and life-threatening prison conditions; arbitrary arrest and detention of suspects; almost complete lack of judicial independence; reports of holding at least one political prisoner; unlawful interference with privacy; multiple obstacles to freedom of speech and the press, including government intimidation, and harassment of and threats against journalists and independent media; and partisan restrictions on freedom of peaceful assembly. The government restricted citizens' right to vote and employed biased policies to realize single-party dominance. There was widespread corruption, including in the police, Supreme Electoral Council (CSE), Supreme Court of Justice (CSJ), and other government organs. The government restricted the ability of nongovernmental organizations (NGOs) and civil society organizations to receive funding. There was lethal and increasing societal violence against women; violent attacks against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, to which police failed to respond; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal

discrimination against persons with disabilities; and discrimination against persons with HIV/AIDS.

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 Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were several reports the government or its agents committed arbitrary or unlawful killings, including during confrontations with armed groups (both criminal organizations and possibly antigovernment groups), in the north-central and Caribbean regions of the country. Human rights organizations and independent media alleged some killings were politically motivated, an allegation that was difficult to confirm in view of the absence of official investigations. In some cases the individuals killed by military or police personnel were members of groups, or relatives of members of groups, that have identified themselves on social media as politically motivated and taking up arms against the government. Organizations reported that common attributes in the killings of such group members included police accusations against the victims of possession of drugs in small quantities after the killings, lack of judicial proceedings, and unwillingness on behalf of police authorities to register investigation requests.

On September 18, the “Ecological Battalion,” a military unit created to guarantee citizen security in rural areas and protect agricultural producers, killed three individuals in Siuna, a community in the Northern Caribbean Autonomous Region (RACN). In its only statement on the case, the military reported the deceased individuals belonged to a group of “delinquents” found in possession of weapons and an unknown quantity of marijuana. A self-proclaimed politically motivated armed group reported that two of the three individuals killed belonged to their movement and called the incident an extrajudicial killing. There was no indication the government investigated those claims, and military personnel did not offer additional statements on the accusations. On November 12 an army unit shot and killed six individuals, including a known opposition figure, his brother, and two minors, after tracking them for nine days in the municipality of La Cruz de Rio Grande in the Southern Caribbean Autonomous Region (RACS).

Reports of killings were increasingly common in the north-central regions and the RACN. These killings were widely believed to be related to the army's pursuit of what many referred to as armed antigovernment groups in the north-central region, although the army admitted only the presence of criminals and/or delinquents.

There were no investigations or other developments in the 2016 killing of Andres Cerrato or the 2015 killing of Modesto Duarte Altamirano (see also section 1.d., Role of the Police and Security Apparatus).

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

Although the law prohibits such practices, numerous reports alleged police abused suspects during arrest, used excessive force, and engaged in degrading treatment. In the first six months of 2016, the period for which the most recent data were available, the NGO Nicaraguan Human Rights Center (CENIDH) received 610 complaints against the Nicaraguan National Police (NNP) for excessive force, arbitrary detention, and cruel or degrading treatment, including in prisons. CENIDH was able to confirm abuse in 391 of those complaints.

There were numerous claims of torture by agents of the Directorate of Judicial Assistance (DAJ), a special police investigations unit, in its jail commonly referred to as "El Chipote," especially during arrests related to organized crime.

There were allegations that the bodies of individuals or groups of individuals killed in clashes with the Nicaraguan army showed signs of torture, including two of three persons killed in Siuna on September 18 and six killed in La Cruz de Rio Grande, RACS, on November 22.

Prison and Detention Center Conditions

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

Physical Conditions: Overcrowding remained a problem. In September the government reported holding 17,196 prisoners in facilities with a capacity of 9,008. Due to overcrowding, pretrial detainees often shared cells with convicted prisoners and juveniles shared cells with adults.

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. Released prisoners and family members of prisoners reported poor ventilation and lighting in the DAJ jail located in Managua. In March spouses of prisoners held a protest at the entrance of La Modelo prison to complain about poor living conditions and lack of access to health care. They also claimed the prison had cut off service for the internet, cell phones, and landline telephones.

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

Conditions in jails and temporary holding cells were also harsh. Most facilities were physically decrepit and infested with vermin; had inadequate ventilation, electricity, or sewage systems; and lacked potable water. The government estimated approximately 26 percent of detainees in preventive holding cells should be in formal prisons.

Administration: 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 poor 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. In certain instances the government restricted prisoners' access to visitors, attorneys, and physicians. Staff members of human rights organizations were not allowed access to the prison system or to prisoners in custody.

Independent Monitoring: The government denied prison visits by local human rights groups as well as media. The government denied requests from human rights organizations to access all prison facilities when they 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. These cases included irregular arrests and detentions while the NNP and army investigated armed opposition groups or other violent crimes in the north-central regions of the country. The law provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, but the government generally did not observe this requirement.

Role of the Police and Security Apparatus

The constitution establishes the NNP as an apolitical, nonpartisan institution protecting all citizens equally under the law, but the government did not treat it as a nonpartisan institution. The NNP Office of Internal Affairs is responsible for investigating complaints and abuses regarding police officers or internal police activities. The NNP responds directly to the president as commander in chief, as established by the constitutional changes in 2014. Human rights organizations alleged the NNP, and particularly the DAJ, served the interest of the Ortega family and its associates and thus operated under a chain of authority that did not follow the standard procedures of a police force. The Ministry of Interior and the NNP each have law enforcement and internal security responsibilities throughout the country. The Ministry of Interior oversees the General Directorate for Migration and Foreigner Services, which works together with police to oversee topics of migration and border security.

The army is responsible for external security but also has some domestic responsibilities, including countering illicit trafficking in narcotics and human trafficking and providing for the transportation of election-related materials, including ballots. The army was also involved in detaining irregular migrants and supported efforts to hold and transport them to the last point of entry. Many informed observers in civil society and the independent press regarded the army as a functionally autonomous force responding directly to the president pursuant to constitutional and military code reforms enacted in 2014. The Office of the Inspectorate General is responsible for investigating abuses and corruption in the army, but limited public information was available on its activities.

Civilian authorities at times did not maintain effective control over the NNP and the military. There continued to be numerous reports of impunity involving the NNP, and there were instances in which the government failed to investigate and punish abuse and corruption. The government reported that between January 2016 and August 2017, it received 1,864 reports of police misconduct or of human rights violations by police officers. Although the government reported having investigated all of the reports and dishonorably discharging 587 officers, among other administrative disciplinary actions, as a result of the investigations, observers reported the government did not investigate all instances of abuse and corruption.

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. In June approximately 40 police officers were detained and investigated for petty corruption. According to independent observers, this investigation was undertaken not to exert the rule of law, but to give a public image of fighting internal corruption, to purge political opposition within the force, and to reduce the amount of severance pay provided to the officers by dishonorably discharging them. There was no official information on the outcome of the detentions or whether the officers under investigation were discharged. Due to limited information on the activities of the Office of Internal Affairs and a general lack of access to government information, human rights organizations and security experts found it difficult to assess how the NNP investigated allegations of abuses and human rights violations by its members.

Observers noted the politicization of the NNP, exemplified by the continued tenure of the national chief of police, making her the longest standing police chief since 1990. The last extension was legal under changes to the constitution in 2014, but the president had previously extended her term through a 2011 executive decree that allegedly violated term limits prescribed in law at the time. The NNP continued to use symbols associated with the FSLN party, including an emblem with party figurehead Sandino's silhouette as part of the officer's uniform, and the ubiquitous use of the FSLN party flag at police facilities and celebrations. NGOs and the press alleged the NNP continued to provide preferential treatment for progovernment and FSLN rallies.

Human rights organizations and civil society activists continued to express strong concern regarding the 2015 Sovereign Security Law, which significantly broadened the definition of state sovereignty and security and established a National Committee of Sovereign Security, an executive-level committee with the

enforcement backing of the military. 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 it outlines potential risks and threats to the country’s sovereign security. Human rights NGOs argued that while the Sovereign Security Law was not cited in cases including the obstruction or prevention of political opposition or civil society rallies, this law was implicitly used.

Impunity remained a problem, and the government took no action nor provided training to increase respect for human rights by security forces. There was no indication the government investigated claims that three members of a self-proclaimed politically motivated armed group in Siuna, RACN, had been tortured and killed extrajudicially, and military personnel did not offer additional statements on these accusations. Likewise, as of December no investigation had begun of the army unit involved in the November 12 killing of six individuals in the municipality of La Cruz de Rio Grande in the RACS.

There were also no developments in the 2012 death of former Contra Santos Guadalupe Joyas Borge (“Pablo Negro”) or in the 2012 case of community leaders Pedro Ramon Castro and Miguel Angel Oliva, allegedly killed by four NNP members in the municipality of Pantasma.

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, human rights organizations claimed irregularities in arrest procedures led to arbitrary arrest and detention.

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. The suspect is permitted family member visits after the initial 48 hours. The detainee has the right to bail unless a judge deems there is a flight risk. A change to the criminal code during the year expanded a list of crimes that may be tried by a judge without a jury and that would not qualify for bail or house arrest during the duration of the trial. In most instances detainees were informed of charges against them, although there were instances when this did not occur, and at other 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. There were numerous reports detainees did not have immediate access to an attorney or legal counsel and were not afforded one during their 48-hour detention. In several instances authorities denied having detainees under custody in a specific jail, even to their family members or legal counsel. This occurred particularly in the DAJ jail.

Arbitrary Arrest: According to NGOs and other human rights groups, arbitrary arrests occurred regularly. Numerous reports claimed authorities used DAJ jail cells for arbitrary arrests beyond the prescribed 48 hours of detention legally allowed. Additionally, the number of detainees from other localities brought to the DAJ jail for periods longer than the prescribed 48 hours of detention increased. Many arrests were allegedly made without warrants and without informing family members or legal counsel. Human rights organizations indicated delays in the release of prisoners after finishing prison terms led to many cases of arbitrary continuation of a state of arrest.

Pretrial Detention: Lengthy pretrial detention continued to be a problem, especially in the RACN and the RACS. 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 national average length of pretrial detention.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: While the law provides detainees the ability to challenge the legality of their detention before a court, procedural information for doing so was not publicly available. There were reports on the obstacles legal counsels faced when they attempted to invoke constitutional protections for detainees, including habeas corpus, and courts frequently ignored their requests.

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, and political affiliation. Once appointed, many judges submitted to political pressure and economic inducements for themselves or family members that compromised their independence. NGOs complained of delayed justice caused by judicial inaction and widespread impunity, especially regarding family and domestic violence and sexual abuse. In many cases trial start times were changed with no information

provided to one or both sides of the trial, according to human rights organizations. Authorities occasionally failed to respect court orders.

Trial Procedures

The constitution provides for the right to a fair and public trial, but the judiciary did not always enforce this right. According to the constitution, defendants are presumed innocent until proven guilty; however, observers claimed changes to the criminal and procedural codes enacted in June potentially restrict this right. Under the changes to the law, jury trials would be denied in a wider range of cases, judges could deny bail or house arrest based on unclear rules, and judges could arbitrarily move a case from other judicial districts to Managua, to the disadvantage of defendants, their families, or their counsel. Defendants have the right to be fully and promptly 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 requires defendants must be present at their trial, although this was not always respected.

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. Although the constitution recognizes indigenous languages, defendants were not always granted court interpreters or translators. 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 may not be compelled to testify or confess guilt.

Women's rights organizations perceived that the court system continued to operate under unofficial orders to forego jail time or pretrial detention in domestic violence cases. This order reportedly applied only to domestic violence cases considered mild.

Political Prisoners and Detainees

Human rights NGOs characterized Marvin Vargas as a political prisoner. Vargas is a former Sandinista fighter from the 1980's civil war who in 2011 led protests against the Sandinista administration for allegedly not fulfilling promises established in post-civil war peace accords to aid former Sandinista fighters. Shortly after these protests, Vargas was convicted of fraud, allegedly without due

process. Vargas claimed he was beaten, kept under maximum security, and held in solitary confinement during most of his prison term. Vargas was not afforded alternatives to incarceration or early release on account of good behavior, both established in law for the type of crime for which he was convicted. He finished his full term in 2016 but remained imprisoned, reportedly under solitary confinement and maximum security. In June he was convicted of smuggling drugs into the prison and sentenced to an additional 12-year term. Human rights NGOs claimed that again due process was not followed and that there was no further investigation into prison authorities or of the methods Vargas could have used to smuggle drugs into and within the prison.

Civil Judicial Procedures and Remedies

Individuals and organizations may file suit in 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 some civil matters being pursued as criminal cases because criminal cases were often resolved more quickly. In a number of instances, individuals and groups appealed to the Inter-American Commission on Human Rights (IACHR), which passed their cases to the Inter-American Court of Human Rights.

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.

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

While the law prohibits such actions, several domestic NGOs, Roman Catholic Church representatives, journalists, and opposition members alleged the government monitored their email and telephone conversations. In April, shortly after presidential adviser Eden Pastora made a public appeal to identify specific political opposition and civil society members as traitors, a government-affiliated internet site published personal profiles of more than 20 opposition party members,

human rights defenders, and civil society members containing car license plate numbers, home addresses and telephone numbers, names of known family members and associates, and pictures of their houses. Civil society members alleged the personally identifiable information was provided by government offices.

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

The ruling party reportedly required citizens to demonstrate party membership in order to obtain or retain employment in the public sector and have access to public social programs.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

Freedom of Expression: Some individuals suffered reprisals for expressing opinions in public on matters of special importance to the ruling party. There were a number of incidents throughout the year in which public officials, including at the ministerial, congressional, and local government levels, were reportedly ousted for expressing their opinions through the independent media or on social media.

Press and Media Freedom: Independent media faced official and unofficial restrictions, reprisals, and harassment but were generally allowed to express a variety of views. The government restricted media freedom through harassment, censorship, and use of arbitrary justifications. Private individuals sympathetic to the government also harassed the media for criticizing the government.

In April the radio show *Onda Local* was taken off the air by radio station La Primerísima, which was owned by FSLN members. The *Onda Local* director

publicly accused the station owners of acting at the behest of the vice president. The radio show was known for investigative journalism on social topics like women's issues and protests over worker's rights, mining corporations, and construction of a proposed interoceanic canal. The station owners did not comment on or provide a justification for the decision to cancel the show.

The government continued to use direct and indirect means to pressure and seek to close independent media outlets, allegedly for political reasons. Independent media owners continued to express concern that incidents of vandalism, seizure of broadcast equipment, and fear of criminal defamation charges created a climate of self-censorship, which the government could exploit to limit press freedom. An independent television station was fined an amount the owner believed was disproportionate due to administrative procedures. The station owner repeatedly expressed concern due to pressure from government officials because of the station's independent stance. Other media harassment came through continued financial audits performed by the Directorate General of Revenue, which resulted in cases being brought to the consideration of the Customs and Administrative Tax Court. Independent news outlets reported they were generally not permitted to attend official government events, were denied interviews by government officials, and received restricted or no direct access to government information. Official media, however, were not similarly restricted.

Since 2008 the General Law (Law 200) on Telecommunications has been in review in the National Assembly. Until the reforms are approved or denied, media outlets are unable to apply for new broadcasting licenses. Nevertheless, the government granted licenses in a discretionary manner and extended the validity of existing licenses indefinitely. Human rights groups and independent media continued to criticize the legal insecurity created by the lack of telecommunications legislation, since Law 200 regulates routine administrative processes, such as the purchase and import of goods related to broadcasting and license adjudication. Furthermore, independent radio owners continued to defer long-term investments due to the lack of updated licenses.

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

Generally, media stations owned by the presidential family limited news programming and served as outlets for 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. Some independent media owners also alleged the government exerted pressure on private firms to limit their advertising in the independent media, although other observers believed the lack of advertising was the result of self-censorship by private companies or a business decision based on circulation numbers.

Violence and Harassment: One of the largest daily newspapers, opposition-leaning *La Prensa*, claimed government officials and supporters regularly intimidated its journalists, actively hindered investigations, and failed to respond to questions on a variety of problems, particularly those involving the constitution, rule of law, and corruption. There were several reported cases of threats against the press.

Censorship or Content Restrictions: 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.

The government continued to enforce inequitably the controversial Law 528, or "Ley Arce," which established high tariffs and bureaucratic delays on the importation of ink, paper, machinery, and other printing necessities, despite constitutional provisions protecting the right to freedom from tariffs for media. Although the law applies to all print media, print media owners and international NGOs claimed the government specifically applied it to *La Prensa*, which operated one of the few printing operations not controlled by the government. 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 reported engaging in self-censorship due to the government's previous use of libel laws.

Slander and libel are both punishable under the law with fines ranging from 120 to 300 times the minimum daily wage.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content; despite this, several NGOs claimed the government monitored their email and online activity 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 approximately 25 percent of citizens used the internet in 2016.

Academic Freedom and Cultural Events

There were some government restrictions on academic freedom, and many academics and researchers reported pressure to censor themselves. There were no government restrictions on cultural events.

Human rights NGOs and civil society groups reported authorities required students in elementary and secondary public schools to participate in progovernment rallies while schools were in session. Political propaganda for the ruling party was posted inside public schools. Teacher organizations and NGOs alleged continuing FSLN interference in the school system through the 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 the use of pro-FSLN education materials.

b. Freedoms of Peaceful Assembly and Association

Freedom of Peaceful 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 police. CENIDH and the Permanent Commission for Human Rights 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.

On April 22 groups opposing the planned construction of an interoceanic canal organized a nationwide protest centered in Juigalpa. Police arbitrarily stopped protesters and prevented their participation using tactics that included heavily deploying antiriot police at key rural intersections leading to the city, using heavy machinery to block bridges and roads near communities where protesters lived, and threatening to revoke licenses or seize buses and trucks from companies transporting demonstrators. The government announced a countermarch to mark Earth Day, on the same date, time, and place. The NNP provided protection to that gathering and opened traffic for buses arriving for the government-sponsored march while continuing to block the independent march.

The NNP interfered with a November 25 rally organized by women's rights groups to commemorate the International Day for the Elimination of Violence Against Women. The NNP and other government officials claimed the groups did not have the appropriate permission to hold the rally, closed streets surrounding the rallying point, and stopped buses carrying additional participants en route from Masaya, Chinandega, and the northern areas of Ocotal, Jinotega, and Matagalpa.

Freedom of Association

The law provides for freedom of association, including the right to organize or affiliate with political parties; nevertheless, the Supreme Electoral Council (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

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

The government strictly controlled the entry of persons affiliated with some groups, specifically humanitarian and faith-based organizations.

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. The Nicaraguan National Commission for Refugees had not met since 2015. Data from the Office of the UN High Commissioner for Refugees between January 2015 and September 2017 suggested more than 300 registered asylum applications from El Salvador, Guatemala, and Honduras. Data showed asylum claims had been lodged but not yet addressed.

Freedom of Movement: The government enforced strict controls for northbound migrants seeking to cross the country from Costa Rica.

Durable Solutions: The government recognized 61 persons for refugee status in 2015, the most recent year for which information was available.

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 and conducted by secret ballot; however, the government restricted the exercise of this ability.

Elections and Political Participation

Recent Elections: The November 5 municipal elections were marred by allegations of institutional fraud. The Organization of American States electoral observation mission issued recommendations to strengthen balance within the political party system, improve the selection of election councils at all levels, establish an adequate legal framework for civil society, and promote broad and inclusive domestic electoral observation. Opposition party members reported government officials transported supporters of the ruling party to voting centers. Opposition party members and observers claimed the ruling party used its control over the CSE to commit fraud. There were reports of public-sector employees being pressured to vote and show proof the next day at work that they had voted. National observers and opposition representatives claimed opposition poll

watchers were denied accreditation, FSLN-affiliated poll watchers posed as opposition poll workers, and votes were not counted in accordance with the law.

Several isolated and violent postelection clashes between supporters of competing political parties, and with Nicaraguan security forces, left at least six dead on November 5 and 6. A larger, sustained confrontation between supporters of the indigenous party YATAMA and the ruling FSLN left several buildings ransacked or torched, at least one dead, and dozens injured. The NNP arrested approximately 55 opposition party members to face trial on charges associated with the postelectoral violence.

Civil society groups stated concerns over the lack of a transparent and fair electoral process leading up to the November elections for mayors and municipal council seats. Electoral experts, business leaders, representatives of the Catholic Church, and civil society organizations reported that a lack of accredited domestic observation, the ruling party's control over an overwhelming majority of the official electoral structures, and the ruling party's control over all branches of government impeded a free and fair election.

Political Parties and Political Participation: The FSLN used state resources for political activities to enhance its electoral advantage in recent elections. Independent media, human rights groups, and opposition parties reported President Ortega's administration used public funds to provide subsidized food, housing, vaccinations, access to clinics, and other benefits directly through either the FSLN-led "family cabinets" (community-based bodies that administer social government programs) or the party-controlled Sandinista leadership committee (CLS) system, which reportedly often coerced citizens into FSLN membership and denied services to opposition members. The FSLN also made party membership mandatory for an increasing number of public sector employees. Observers noted government employees continued to be pressured into affiliating with the FSLN and to participate in party activities.

The FSLN also used its authority to decide who could obtain national identity cards (cedulas). 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. 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.

Starting on August 20, members of the FSLN party protested in up to 13 municipalities when candidates for local government positions reflected central party preferences instead of local choices. FSLN leadership carried out surveys to select their candidates, but protesters claimed the surveys were manipulated to favor candidates selected by the president or vice president. Among their complaints, protesters accused presumed candidates of fraud and ineffective governance.

In September the government passed an electoral reform bill that allowed unregistered voters to vote in any polling center matching the address on their voter identity card. While the reform allowed more persons to vote, observers expressed concern it could also lead to double voting and manipulation of the voter lists. Observers also noted the reform responded mainly to concerns of low FSLN voter turnout in the November 2016 election due to discontent within the party.

Participation of Women and Minorities: No laws limit participation of women and/or members of minorities in the political process, and they did participate, although observers noted most women in elected positions at the municipal or national level held limited power or influence within their respective bodies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but 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 \$550 million (denominated in dollars) per year from 2010 to 2013 but decreased to \$21 million in the first half of 2017, outside the normal budgetary process controlled by the legislature. Media reported 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. Cases of mismanagement of these funds by public officials were reportedly handled

personally by members of the ruling party, rather than by the government entities in charge of oversight of public funds.

Corruption: Companies reported that bribery of public officials, unlawful seizures, and arbitrary assessments by customs and tax authorities were common.

The Supreme Court (CSJ) and lower-level courts remained particularly susceptible to bribes, manipulation, and political influence, especially by the FSLN. In April *La Prensa* published a document summarizing a discussion among three CSJ magistrates regarding an offer from President Ortega for the state to pay damages on behalf of the losing party. The CSJ stated through a press release that the document was not a court document and could not be held as fact. In September Sergio Umana Lopez, a Salvadoran man accused of being a gang member, stated Judge Victoria Lopez and her son had helped him obtain a Nicaraguan identity card. One of Umana's associates accused the same judge of requesting a bribe to keep his case in the lower courts, thus not allowing it to reach the CSJ. While the CSJ suspended the accused judge and began an investigation, President Ortega stated, on September 12, "Since the criminal said so, and his lawyer repeated it, the media has turned this accusation into truth, and they have created huge falsehoods against the judicial branch." In October the CSJ announced its investigation had ended but provided no public details of the investigation or further actions in favor of or against the judge. Private-sector representatives additionally reported an increase in judicial corruption for extorting money.

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. Few public officials made these declarations public, and there was no public record of sanctions for 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 provided directly to the government. In its report for 2016, the most recent report available, the comptroller general stated 100 percent of public officers had turned in their financial disclosures, although they were not made public. The comptroller general also reported corruption committed by 44 public officials in 2016 resulted in economic losses to the government of 3,047,583 cordobas (\$101,600). Observers noted this amount was unreasonably low.

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

A variety of domestic and international human rights groups operated in the country. Humanitarian organizations faced obstacles to operating or denial of entry, and government officials harassed and intimidated domestic and international NGOs that were critical of the government or the FSLN. Some NGOs reported 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 family cabinets (community-based bodies that administer government social programs) and party-controlled CLSs 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. Additionally, increased control over the admission of foreign visitors or volunteer groups into the country hindered the work of humanitarian groups and human rights NGOs. Some groups reported difficulties in moving donated goods through customs.

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. While legally permitted, spot audits were a common form of harassment and often used selectively, according to NGOs. NGOs reported difficulties in scheduling meetings with authorities and in receiving official information due to a growing culture of secrecy. Local NGOs reported having to channel requests for meetings with ministry officials and for public information through the Ministry of Foreign Affairs. These requests were generally not processed. NGOs also reported government hostility or aggression when questioning or speaking with officials on subjects such as corruption and the rule of law. Groups opposing the construction of a proposed interoceanic canal also reported being harassed and placed under surveillance.

The United Nations or Other International Bodies: The government did not send a representative to the March or September hearings of the IACHR, which convened public hearings regarding the situation of the right to freedom of expression and the situation of female human rights defenders in Nicaragua, respectively. The IACHR had requested to visit the country several times in previous sessions and had received a promise from the government to process its request. The IACHR commissioner and rapporteur on the rights of children, Esmeralda Arosemena de

Tritino, cancelled a planned November 20 trip when informed the government had not given consent for the visit.

Government Human Rights Bodies: In 2016 the administration named Corina Centeno as head of the Office of the Ombudsman for Human Rights (PDDH). Human rights organizations responded to her appointment with criticism, noting her prior experience working with health labor unions and her affiliation with the FSLN. The PDDH was perceived as politicized and ineffective.

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

Women

Rape and Domestic Violence: The law criminalizes all forms of rape of men or women, regardless of the relationship between the victim and the accused. Sentences for those convicted of rape range from eight to 12 years' imprisonment. The law criminalizes domestic violence and provides prison sentences ranging from one to 12 years. The government failed to enforce the law effectively, leading to widespread impunity and reports of increased violence from released offenders emboldened by their release. The government continued to use FSLN-led family cabinets and CLSs in mediation processes in cases of domestic violence.

Observers reported a general increase in sexual crimes and violence against women; however, data were unreliable.

NGOs working on women's issues reported an increase in the severity of violence against women over the past eight years and that police generally understated the level of violence against women. As of August the NNP recognized 34 killings, of which 14 were femicides, while the CDD recognized 39 killings with 37 femicides.

Sexual Harassment: The law prohibits sexual harassment, and those convicted face one- to three-year sentences in prison, or three to five years if the victim is less than 18 years old. No data was available on government efforts to prevent or prosecute complaints of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The law provides for gender equality. Nevertheless, women often experienced discrimination in employment, credit, and pay equity for similar work, as well as in owning and managing businesses.

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.

Child Abuse: High rates of sexual violence against teenage girls contributed to high rates of teenage pregnancy, according to local NGO Information Center for Health Services and Counsel.

Early and Forced Marriage: The minimum legal age for marriage is 18 years for men and women, or 16 with parental authorization. There were credible reports of forced early marriages in some rural indigenous communities. UNICEF's *2016 State of the World's Children*, the most recent data available, reported 41 percent of women 20 to 24 years of age were married or in a union by age 18, and 10 percent were married by age 15. No information was available on government efforts to address or prevent forced and early marriage.

Sexual Exploitation of Children: The law prohibits sexual exploitation in general and designates enticing children or adolescents to engage in sexual activity as an aggravating condition. The government generally enforced the law when pertaining to child sex trafficking. Penalties include 10 to 15 years in prison for a person who entices or forces any individual to engage in sexual activity, and 19 to 20 years in prison for the same acts involving children or adolescents. The law defines statutory rape as sexual relations with children age 14 or younger.

The law also prohibits child pornography, and the government generally enforced it. The penalty for an individual convicted of inducing, facilitating, promoting, or using a minor for sexual or erotic purposes is 10 to 15 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.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

The country has a very small Jewish population. 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. Laws related to persons with disabilities do not stipulate penalties for noncompliance, 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 persons with disabilities accounted for less than 1 percent of public-sector employees, despite the legally mandated minimum representation of 2 percent. Further reports indicated public institutions did not sufficiently coordinate with the Labor Ministry to accommodate persons with disabilities in the workplace.

Persons with disabilities faced severe problems accessing schools, public health facilities, and other public institutions. Many voting facilities were not accessible. Complaints continued regarding the lack of accessible public transportation in Managua. Organizations of persons with disabilities claimed interpreters for the deaf were not accessible at schools and universities, making it difficult for these

persons to obtain education. 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.

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 persons constituted approximately 5 percent of the population and lived primarily in the RACN and the RACS. Despite having autonomous governing bodies, decisions affecting their lands, cultures, traditions, or the exploitation of energy, minerals, timber, and other natural resources on their lands were largely made or approved by national government authorities or by FSLN representatives. 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.

NGOs and indigenous rights groups claimed the government failed to protect the civil and political rights of indigenous communities. Some observers alleged government involvement in the violence against Miskito populations in the RACN along the Coco River, either by failing to defend indigenous populations or as accomplices to nonindigenous groups invading indigenous lands. In January, after a clash between Miskitos and nonindigenous squatters on indigenous lands (referred to as colonizers or colonos), two colonos were killed and five were held for ransom.

Indigenous groups continued to complain of rights violations in connection with plans to build an interoceanic canal. Indigenous persons from rural areas often lacked birth certificates, identity cards, and land titles. Most indigenous

individuals in rural areas lacked access to public services, and deteriorating roads made medicine and health care almost unobtainable for many.

Indigenous women faced multiple levels of discrimination based on their ethnicity, gender, and lower economic status.

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

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, although studies showed most discrimination occurred at the family level. No specific laws exist to punish hate crimes against LGBTI groups.

There were reports of attacks against transgender women, and the NNP reportedly failed to investigate these cases appropriately.

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 nondiscrimination administrative resolution issued by the Ministry of Health continued in effect.

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. 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 may suspend the strike and submit the matter to arbitration.

A collective bargaining agreement may not 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 government claimed 93 percent of labor disputes were resolved favorably to workers, but 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 in other cases involving independent groups, the government often intervened for political reasons. Most labor unions were allied with political parties, and in recent years the government reportedly illegally dissolved unions and fired workers not associated with the ruling FSLN. In January, 12 unions complained that the Ministry of Labor did not extend them their certification, even after they obtained court orders. 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. Observers noted the firings were carried out for reasons such as refusal of the worker to join the FSLN or participate in FSLN demonstrations. In some cases there were reports of persons being fired for speaking with the independent press. Moreover, party affiliation or a letter of recommendation from party secretaries, family cabinet coordinators, or other party officials was allegedly required from applicants

seeking a public-sector job. Several sources argued similar instances of public-sector employees being fired without receiving severance pay continued to occur.

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

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

Many employers in the formal sector continued to blacklist or fire union members and did not reinstate them. Many of these cases did not reach the court system or a mediation process led by the Ministry of Labor. Employers often delayed severance payments to fired workers or omitted the payments altogether. Employers also avoided legal penalties by organizing employer-led unions lacking independence and by frequently using contract workers to replace striking employees. There were reports FSLN 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 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 provided only limited information about its law enforcement efforts.

Observers noted reports of forced labor, including of men, women, and children in agriculture, construction, mining, 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 ages 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. Legal penalties for persons employing children in dangerous work were sufficient to deter violations. The government reported finding 13 child workers under the age of 14 in the first semester of the year. These minors were separated from the workplace.

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 was unavailable.

Child labor remained widespread. According to organizations that worked 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 National Institute of Development Information 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; stone crushing; 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 were at risk from 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 and Occupation

The law and regulations prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV or other communicable disease status, or social status. The government did not effectively enforce the law and regulations.

Discrimination in employment took many forms. Although women generally had equal access to employment, few women had senior positions in business; in the public sector or in elected positions, women's independence and influence were limited. Additionally, women's wages were generally lower when compared with male counterparts, even for the same position and work performed. Workplace challenges for persons with disabilities included inadequate infrastructure, lack of educational opportunities, and a generally low rate of public services positions despite a legal requirement that a certain percentage be available to them. LGBTI organizations complained sexual orientation and gender identity continue to be a basis for discriminatory behavior.

e. Acceptable Conditions of Work

The law establishes a statutory minimum wage for 10 economic sectors. According to the Ministry of Labor, the average legal minimum wage covers only 35 percent of the cost of basic goods.

In general the minimum wage was enforced only in the formal sector, estimated to be approximately 20 percent of the economy. The Ministry of Labor 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 (OSH) provisions. Established penalties were generally sufficient to deter violations.

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. 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 OSH standards, but they were not up-to-date 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. OSH standards are appropriate for the main industries in the country's formal sector, but the regulations do not deter violations because they are infrequently enforced. The government reported 4,930 labor accidents in the first semester of the year, resulting in 14 labor-related deaths.

OSH standards were not widely enforced in the large informal sector, which represented 77 percent of employment and 88 percent of businesses, according to 2016 reports from the Consultants for Business Development and the Nicaraguan Foundation for Economic and Social Development. 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 in the informal sector were common and generally not investigated, 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 may remove themselves from situations that endanger their health or safety without jeopardy to their employment. It was unclear if authorities effectively protected employees in all such cases.