

USDOS – US Department of State

2021 Trafficking in Persons Report: Nicaragua

NICARAGUA: Tier 3

The Government of Nicaragua does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Nicaragua remained on Tier 3. Despite the lack of significant efforts, the government took some steps to address trafficking, including prosecuting four traffickers and offering awareness trainings to government officials in the municipality of León. However, the government continued to downplay the severity of the trafficking problem in Nicaragua, despite civil society reports of increased victimization in 2020; it did not convict any traffickers for the third consecutive reporting period and victim identification efforts remained inadequate. The government did not acknowledge that traffickers exploit Nicaraguans in foreign countries, despite media reports that foreign officials identified several Nicaraguan victims in 2020. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses, despite endemic corruption and widespread official complicity. The government did not cooperate with NGOs to provide protection services or include civil society in the national anti-trafficking coalition. Prosecution, protection, and prevention efforts in the two Caribbean autonomous regions of Nicaragua continued to be much weaker than in the rest of the country.

PRIORITIZED RECOMMENDATIONS:

Significantly increase efforts to identify victims of sex and labor trafficking, including foreign nationals. • Investigate, prosecute, and convict traffickers, including complicit officials. • Vigorously implement the National Strategy for Comprehensive Attention to Victims of Trafficking in Persons by identifying victims, including among vulnerable populations, and effectively refer victims to appropriate services. • Partner with NGOs to provide victims short-term care, long-term care, and reintegration services. • Amend the 2014 anti-trafficking law to include a definition of trafficking in persons consistent with international law. • Increase funding for victim protection, finance the trafficking fund, and provide specialized services for trafficking victims. • Fulfill the requirement under Law 896 to include the Nicaraguan Coordinating Federation of NGOs working with Children and Adolescents (CODENI) to represent NGOs in the National Coalition against Human Trafficking (NCATIP). • Increase training for government officials—including social workers, labor inspectors, and law enforcement officials—to facilitate increased victim identification and assistance, including securing restitution. • Strengthen law enforcement and victim protection efforts in the Caribbean autonomous regions, especially through increased staff and funding. • Annually report on progress in implementing the national action plan.

PROSECUTION

The government decreased law enforcement efforts. The Law against Trafficking in Persons of 2015 criminalized sex trafficking and labor trafficking and prescribed penalties ranging from 10 to 15 years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with the definition of trafficking under international law, the law established the use of force, coercion, or deceit as an aggravating factor rather than an essential element of the crime; the penalties increased to 16 to 18 years' imprisonment for trafficking offenses involving these factors. The penalty for child trafficking increased to 19 to 20 years' imprisonment. The law also defined trafficking broadly to include all labor exploitation and illegal adoption without the purpose of exploitation.

The government reported initiating one sex trafficking investigation in 2020, compared with six investigations in 2019—all for sex trafficking—and four investigations in 2018. However, in a multinational forum, Nicaraguan authorities made contradicting reports, citing five new trafficking investigations in 2020. Observers expressed limited confidence in government reporting on human trafficking, including law enforcement statistics; some alleged the government intentionally misclassified trafficking as kidnapping or assault to keep trafficking statistics low. The government did not make any arrests related to trafficking. The government prosecuted four accused sex

traffickers in 2020, compared with prosecuting one alleged trafficker in 2019 and zero in 2018. In 2020, the government did not convict any traffickers, marking the third consecutive reporting period without a trafficking conviction. According to government officials, the pandemic had no effect on law enforcement efforts to combat trafficking in persons.

The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses; however, corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. Civil society made reports indicative of official complicity in trafficking crimes, including public officials owning brothels where child sex trafficking may have occurred. NCATIP officials were associated with human rights violations, some resulting in death, perpetrated against Nicaraguan citizens in 2018. Despite endemic corruption, the government did not have policies to prevent official complicity in trafficking, contributing to an environment of impunity and potentially decreasing the likelihood of victims reporting trafficking crimes. The government reported law enforcement and judicial sector officials attended several trafficking-related trainings; international organizations and foreign governments provided or otherwise supported most of the trainings available in 2020. An unknown number of members of a specialized organized crime unit, for example, participated in a course on human trafficking sponsored by an international organization. The government delivered some trainings virtually due to the pandemic, although the government stated the pandemic did not interfere with or limit access to training.

PROTECTION

The government further decreased its minimal protection efforts. The government identified one trafficking victim in 2020, compared with eight trafficking victims in 2019, six in 2018, 12 in 2017, 13 in 2016, and 30 in 2015. The government reported NGOs and other organizations did not identify any additional victims; however, civil society reported their organizations continued to identify victims throughout 2020, anecdotally reporting increased victimization during the pandemic. The government claimed the pandemic did not impact trafficking risk or its ability to identify or provide services to victims. The one identified victim recognized by the government was a Nicaraguan national; the government had no record of foreign trafficking victims exploited in Nicaragua or Nicaraguans exploited abroad, despite media reports of several cases where Costa Rican, Panamanian, and Spanish officials identified Nicaraguan victims exploited in sex and labor trafficking. The government did not report implementing or training officials to use a set of protocols it reportedly developed in 2019 to facilitate identifying child and adolescent trafficking victims among vulnerable populations. Officials did not identify any victims in the autonomous regions where identification and referral mechanisms were lacking and where one-sixth of the population resided.

The government provided medical and psychological attention to one trafficking victim in 2020. The government reported agencies had allocations for trafficking victim protection in the national budget, but these did not provide for specialized services or shelters, nor did the government disclose a figure for the allocations. The government reported all services were accessible to disabled victims, but did not indicate what accommodations it made to ensure access. In 2020, the government stopped claiming to coordinate with NGOs, instead reporting it did not coordinate or collaborate with NGOs on victim identification or assistance. NGOs reported there had been minimal, if any, communication with the government on victim services since 2018.

The government did not provide funding or other support to NGOs that provided the majority of available victim protection services in the country, leaving victims the government did not acknowledge without vital assistance. The government did not report providing shelter or other housing support to any victims in 2020. Alleging a breach of charter, the government ordered the closure of two NGO shelters serving child victims of violence, including trafficking. Observers reported the government maintained an unofficial policy of placing victims with family members, which put trafficking victims at risk of re-victimization by family members who may have been complicit in their exploitation. There were no shelters available for men. There was limited capacity for long-term shelter services in Nicaragua; the government could not provide such care, and NGOs had a limited ability to provide extended shelter. The Ministry of Family coordinated services for child trafficking victims, including medical and legal services and access to education; officials could refer child trafficking victims to “special protection centers,” but the government often returned child victims to their families’ care, despite risk of re-victimization. Both Managua and the more rural regions lacked adequate services for trafficking victims.

Law 896 established a dedicated fund for victim protection and prevention activities to be financed through budget allocation, donations, and seized assets from traffickers. However, for the sixth year, there was no indication that the government made the fund operational. Law 896 provided victims the ability to testify in advance of the trial and allowed testimony via video or written statement to encourage participation and protect a victim’s identity; however, the government did not report using these provisions during the reporting period. Victims could obtain compensation by filing civil suits against traffickers; however, the government and NGOs reported that, in practice, victims had never exercised this right. The government collaborated with Costa Rican officials to investigate reports of a Nicaraguan trafficking victim exploited abroad. While there were no reports of identified

victims penalized for unlawful acts traffickers compelled them to commit, authorities frequently misclassified cases involving trafficking victims, potentially resulting in penalization of unidentified victims. The government did not report efforts to screen for or identify trafficking victims among migrant populations or individuals in commercial sex. Nicaraguan law provided for humanitarian visas for foreign trafficking victims, but the government did not recognize any foreign victims in 2020.

PREVENTION

The government maintained its minimal efforts to prevent trafficking. The government reported the NCATIP led 16 working committees, although civil society reported the coalition and its committees were largely dormant, making little contribution to capacity building and awareness raising on trafficking. For a sixth consecutive year, the NCATIP did not fulfill the requirement under Law 896 to include CODENI to represent NGOs. While the NCATIP reported engaging with a select group of international civil society organizations, authorities excluded local organizations from the coalition's activities. Observers considered the NCATIP to be inactive and ineffectual as an anti-trafficking entity and reported the apparent dissolution of a number of its regional bodies. The government had a national action plan for 2018-2022, which focused on awareness raising; increasing technical capacity to investigate, prosecute, and sentence traffickers; protecting the rights of victims and witnesses and providing assistance; and monitoring and implementing the plan. The government did not report, and civil society did not observe, efforts to research or monitor trafficking in the country. The government reported a limited number of trafficking awareness events, including a multi-agency workshop for officials in the municipality of León, but it did not report national prevention campaigns similar to those conducted in past years. The government reported maintaining two 24-hour crime hotlines that could process trafficking complaints and provide information on trafficking and gender-based violence, but it did not report whether any calls led to trafficking investigations or the identification of victims.

During the reporting period, Nicaraguans continued to encounter problems obtaining national identification cards, which increased their vulnerability to trafficking and limited their ability to access public services. Nicaraguan law criminalized knowingly engaging in sex acts with a sex trafficking victim, but officials did not report having investigated, prosecuted, or convicted any suspects for such acts. The government required private employment agencies to register and established minimum wages and maximum hours for adult and adolescent domestic workers; it did not report identifying forced labor in these sectors. The government did not report any efforts to inspect bars or nightclubs suspected of engaging in trafficking, or any efforts to reduce demand for commercial sex. The Ministry of Tourism had an agreement with more than 5,000 Nicaraguan businesses to monitor and report suspected child sexual exploitation in the industry, but the government did not report any activity related to this program in 2020. NGOs reported child sex tourism remained a concern; however, authorities did not investigate, prosecute, or convict any tourists for child sex trafficking during the reporting period.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Nicaragua, and traffickers exploit victims from Nicaragua abroad. Groups considered at heightened risk to human trafficking in Nicaragua include women, children, and migrants. Traffickers subject Nicaraguan women and children to sex trafficking within the country and in other Central American countries, Mexico, Spain, and the United States. Victims' family members are often complicit in their exploitation. Traffickers increasingly use social media sites to recruit their victims, who are attracted by promises of high salaries outside of Nicaragua for work in restaurants, hotels, construction, and security. Traffickers also recruit their victims in rural areas or border regions with false promises of high paying jobs in urban centers and tourist locales, where they subject them to sex or labor trafficking. Nicaraguan women and children are subjected to sex and labor trafficking in the two Caribbean autonomous regions, where the lack of strong law enforcement institutions, rampant poverty, a higher crime rate, and recent devastation from hurricanes Eta and Iota increase the vulnerability of the local population. Nicaraguans who migrate to other Central American countries and Europe are reportedly vulnerable to and have been victims of sex and labor trafficking, both in transit and after they have reached their destinations. In addition, experts report traffickers target for sex and labor trafficking Nicaraguan children whose parents left the country to work abroad. Nicaraguan adults and children are subjected to labor trafficking in agriculture, construction, mining, the informal sector, and domestic service within the country and in Costa Rica, Panama, the United States, and other countries. Traffickers force some children to work in artisanal mines and quarries. Observers report traffickers exploit children through forced participation in illegal drug production and trafficking. Children and persons with disabilities are subjected to forced begging, particularly in Managua and near tourist centers. Traffickers subject some male migrants from Central American countries transiting Nicaragua en route to Costa Rica and Panama in search of employment to labor trafficking in these destination countries. Cuban nationals working in Nicaragua may have been forced to work by the Cuban government. Nicaragua is a destination for child sex tourists from the United States, Canada, and Western Europe.

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