



ANTI-TRAFFICKING TECHNICAL ASSISTANCE

NICARAGUA ANTI-TRAFFICKING ASSESSMENT
JANUARY 17 – FEBRUARY 1, 2006

February 2006

This publication was produced for review by the United States Agency for International Development. It was prepared by Chemonics International Inc. **The author's views reflected in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.**

CONTENTS

List of Abbreviations	ii
Executive Summary	iii
SECTION I Assessment Methodology	1
SECTION II Scope of the Trafficking Situation	3
A1. Background	3
General Background	
A Proactive National Response	
A2. Strengths	3
Combating Exploitation of Children for Sexual and Labor Purposes	
The Government of Nicaragua's Efforts	
Civil Society's Efforts	
The UN's Efforts	
Safe Migration Practices against Labor and Sexual Exploitation	
The Government of Nicaragua's Safe Migration Practices	
Civil Society's Safe Migration Practices	
Victim Repatriation and Assistance Protocols	
The Government of Nicaragua's Efforts	
Civil Society's Efforts	
The UN's Efforts	
A3. Challenges	4
Prosecution	
Legislation	
Law Enforcement and Prosecutions	
Trafficking Cases Brought to Court	
Protection	
Policy-Makers and Demonstrated Political Willingness	
Institutionalized Capacity-Building and Specialized Training	
Prevention	
Public Education and Awareness-Raising	
SECTION III Recommendations	17
A1. Prevention	17
A2. Protection	18
A3. Prosecution	20
A.4 Additional Recommendations	
Annex A List of Key Actor/Organizations Interviewed	21
Annex B Framework of Taskforce against Trafficking in Human Beings	24
Annex C Bibliography	

List of Abbreviations

AT	Anti-Trafficking
ATTO	Anti-Trafficking Task Order
CA	Central America
CADIN	Chamber of Industries of Nicaragua
CNA	Child Protection Code
CI	Center for Information
CODENI	Federation of Nicaraguan NGOs Working with Children and Youth
CONAPINA	National Advisory Board for Integrated Attention and Protection of Minors
COSEP	Association of Professionals
CSEC	Commercial Sexual Exploitation of Children
CSE	Commercial Sexual Exploitation
DSP	Department for Special Protection
EU	European Union
GON	Government of Nicaragua
ICMPD	International Centre for Migration Policy Development
IDB	Inter-Development Bank
ICITAP	International Criminal Investigative Training Assistance Program
ILO	International Labor Organization
ILO/IPEC	International Labor Organization/International Program on the Elimination of Child Labor
INPRHN	Institute for Human Prevention
IO	International Organization
IOM	International Organization for Migration
IXCHEN	Center for Female Victims of Sexual Violence
MOE	Ministry of Education
MOF	Ministry of Family
MFA	Ministry of Foreign Affairs
MOI	Ministry of Interior (“Ministerio de Gobernación”)
MOL	Ministry of Labor
NCCTP	National Coalition to Combat Trafficking in Persons
NCSEM	National Commission against Sexual Exploitation of Minors
NGO	Non-Governmental Organization
NPA	National Plan of Action
OAS	Organization of American States
OPDAT	Overseas Prosecutors Development Assistance and Training
PASCA	Central American AIDS Prevention Project
PSCU	Police Special Crimes Unit
RNI	Nicaraguan Immigration Network
SOW	Scope of Work
SPU	Special Protection Unit, Office of the National Prosecutor
StC	Save the Children
TIP	Trafficking in Persons

UNDP
UNICEF

United Nations Development Program
United Nations Children's Education Fund

Executive Summary

In its 2005 Trafficking in Persons Report, the U.S. Department of State ranked Nicaragua on the Tier Two Watch List of countries, identified as not meeting minimum requirements to combat trafficking in persons. Nicaragua has been recognized as a country of origin, transit, and destination in human trafficking for purposes of commercial sexual exploitation, including but not limited to pornography, prostitution, forced labor, and domestic servitude. To address the situation USAID/Nicaragua requested an anti-trafficking assessment, conducted from January 17–February 1, 2006 by the EGAT/WID-funded anti-trafficking technical assistance task order managed by Chemonics International Inc. The purpose of the January 2006 assessment was to review the scope of trafficking in persons (TIP) in the country, assess strengths and weaknesses of anti-trafficking activities, and provide programmatic recommendations for consideration by USAID/Nicaragua.

Although Nicaragua has one of the poorest economies in Central America, the Government of Nicaragua (GON) has worked hard in recent years to increase institutional support for and awareness of the country's anti-trafficking efforts. In 2004, the GON ratified the U.N. Palermo Protocol and an anti-trafficking legislative reform package remains pending before the Nicaraguan National Assembly for eventual adoption in 2006. Other advances by the GON include maintaining high visibility on the problem of human trafficking, establishing a multi-sector coalition responsible for anti-trafficking policy-development and implementation, and drafting a National Action Plan against human trafficking, which is pending revisions and adoption later this year. The GON also has established specialized units within the prosecutors' office and the police where training is provided on how to handle cases of trafficking in persons. Finally, the GON has been successful in formalizing protocols on victim repatriation; introducing safe migration and border control practices; and raising the level of awareness of the problem among law enforcement, service providers, and civil society organizations.

To complete this assessment the team conducted a literature review, followed by two weeks of field work in Nicaragua that included over 45 interviews with government, civil society organizations (CSO), and international organizations. The assessment identified the following areas in which Nicaragua's response to human trafficking has proven most effective: initiatives combating child exploitation and unsafe migration and partnerships with regional neighbors on victim repatriation procedures. Despite these strengths, a number of gaps remain and improvements can be made, including low prosecution rates of trafficking and trafficking-related cases, limitations in victim assistance, and a lack of familiarity among the Nicaraguan people of the negative consequences of trafficking.

Based on the information obtained during the assessment and an analysis of the situation, the following programmatic responses are proposed:

- ✓ Strengthen victim protection by galvanizing political support for the passage of pending reform legislation;

- ✓ Empower policy-makers to effectively translate Nicaragua's political willingness into national policies and programs;
- ✓ Continue prevention measures by raising the level of awareness of the problem among state, civil society organizations, media, and local communities;
- ✓ Foster partnerships between state and civil society actors to ensure assistance and protection from the victim identification phase through the legal process and on to social reintegration;
- ✓ Build capacity of law enforcement and judiciary through multi-disciplinary specialized trainings aimed at enhancing investigation and prosecutorial skills.

SECTION I

Assessment Methodology

At the request of USAID/Nicaragua, the Anti-trafficking Task Order (ATTO) conducted an assessment between January 17 and February 1, 2006. ATTO is managed by Chemonics International Inc., as a holder of the Women in Development Indefinite Quantities Contract (IQC), which is funded through the EGAT/WID office.

The assessment focused on Nicaragua's role as a source and transit country for trafficking in persons and its response to protecting victims, preventing trafficking, and prosecuting offenders within a national and regional context. The purpose of the assessment was to carry out a review of the scope of trafficking in persons (TIP) in Nicaragua and synthesize available data with the objective of evaluating existing anti-trafficking activities, identifying trends and challenges, and determining additional programmatic activities. The assessment was focused on the following four areas as set out in the Mission's Scope of Work (SOW):

- Provide USAID/Nicaragua with a compilation of available information and data on the nature and magnitude of TIP in Nicaragua, including if possible gender, geographic, and economic aspects;
- Assess development activities and organizations involved in addressing TIP;
- Assess government efforts to address TIP and identify country-level and regional-level priorities and gaps;
- Identify gaps and possible programmatic responses.

The assessment team consisted of two Chemonics consultants, Geraldine Ramos Bjallerstedt and Violeta Ortero. Prior to conducting in-country interviews, the assessment team conducted a comprehensive desk review of relevant literature and research. In close coordination with the Mission, they identified a list of in-country interview candidates.

The assessment team met with the USAID Mission and U.S. Embassy in Nicaragua for an introductory briefing and discussion of the content and deliverables associated with the SOW. Thereafter, the team met with close to 50 persons, including government agencies, non-governmental organizations (NGOs), private businesses, and international organizations (IOs). From the meetings, the team gathered information on the manifestations of human trafficking in Nicaragua and the Government of Nicaragua's (GON) response to the problem. The team also organized and co-chaired four thematic roundtables with representatives from NGOs, government bodies, private sectors, and international donors.

Following the interview sessions and the roundtables, the team debriefed the Mission and the U.S. Embassy in Nicaragua on the strengths and weaknesses of anti-trafficking efforts in Nicaragua, and on preliminary recommendations for how to address the

identified weaknesses. The report's annexes include a list of organizations interviewed, a bibliography of available literature and research reviewed, and an organizational chart of the National Coalition to Combat Trafficking in Persons (NCCTP), Nicaragua's TIP task force.

The assessment team conducted interviews during a two-week time span, thereby offering a limited and time-bound view of the issues for the specific purpose defined in the SOW. The assessment team utilized interviews, general background research, reports and studies, NGO informational sources, and other documents cited in the bibliography. The information contained in text boxes throughout the report are quotations from previous reports and studies made available to the assessment team and have not been independently verified.

SECTION I

Scope of the Trafficking Situation

A1. Background

General Background

The 2005 U.S. State Department annual report on Trafficking in Persons (TIP) placed Nicaragua on the Tier 2 Watch List¹. The TIP report identifies Nicaragua as a source and transit country primarily for women and children, both boys and girls, coming from both rural and urban areas and being trafficked within the country and to other parts of Central America and Mexico for sexual and labor exploitation. According to domestic criminal legislation, pimping (mediating or promoting prostitution) is illegal and punishable by three to six years imprisonment. However, buying commercial sexual services is not a crime, not even when the services are purchased from a minor. Although GON sources could not provide a current, reliable estimate of the number of persons trafficked annually, they nevertheless asserted that the magnitude of the problem is great.

Among adults interviewed, the perception is that minors involved in commercial sexual exploitation are lazy and like easy money... Very few persons consider these children as victims of adults. Instead the tendency is to blame the victim and exonerate the perpetrator. The lack of reporting is due to the lack of knowledge, the perception that it is not a form of sexual abuse, sometimes reports are not made because of neglect, fear, and lack of faith in the punitive system.... Few pimps get penalized, while the client-exploiter and other intermediaries and accomplices have practically not been punished. In this sense there is impunity for the exploiters... [This] teaches the victim that abuse is tolerated in society.

“Commercial Sexual Exploitation of Children and Adolescents in Central America, Panama and the Dominican Republic” ILO/IPEC, October 2003

As stated above, trafficking in Nicaragua is mainly for the purposes of commercial sexual exploitation, including but not limited to pornography and prostitution. Trafficking for the purposes of forced labor is also reported to be common in the fishing, construction, and agriculture industries, as well as private homes where young girls are sent to work as domestic servants. Vulnerability to exploitation is characterized by a host of factors: abandonment or gross family negligence, inter-family violence or aggression, economically impoverished single parenthood, desires to emigrate or parental migration. Extreme poverty and the consequential need to survive is yet another factor contributing to

¹ The U.S. State Department defines Tier 2 Special Watch List countries as those “whose governments do not fully comply with the Act’s minimum standards but are making significant efforts to bring themselves into compliance with those standards, and: a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing; or, b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year; or, c) the determination that a country is making significant efforts to bring themselves into compliance with minimum standards was based on commitments by the country to take additional future steps over the next year.”

vulnerability, such as is the case of street children.

Indeed, the high levels of poverty, illiteracy, and narcotics trafficking that characterize Nicaragua's Atlantic Coast are pre-conditions for TIP. In December 2005, a Nicaraguan woman deceived five girls aged 17 and younger into coming to Managua from the coastal community of Waspam to find work. Once in Managua, however, the girls were sexually exploited. As this assessment was underway, the girls were still under protection of the Ministry of Family (MOF), and the police were investigating the situation.

Nicaraguan youths, mainly girls, are deceived into joining travel "excursions" out of the country, most often to Guatemala. Uncovered cases have confirmed that some of these excursions are cover-up schemes for human trafficking rings. During the last two months of 2005, a reported 24 businesses organized 373 excursions (207 departures and 166 arrivals) for a total of 8,276 persons, out of which 1,162 were minors. Some of these persons are very likely trafficking victims, although how many cannot be determined. There are reports that some traffickers have approached young people working in free trade zone factories in Managua and sought to lure them into trafficking with spurious offers of better remunerated legitimate employment abroad.

The southern border town of San Carlos is a well-known trafficking route, mainly for boys. In San Carlos there are reports of two weekly boat crossings over the San Jose River to Costa Rica, transporting some 200 people, mostly minors from 13-16 years of age for agricultural work. Once on the farm, minors are reportedly forced to work long hours under exploitative conditions for little or no pay. When the employer is through with them, minors are dismissed from their farm job without pay and denounced to immigration, after which the minor is presumably returned to Nicaragua.

The following are the most notable districts known for human trafficking in the country: Rio San Juan, Rivas, Madriz, Chinandega, and Nueva Segovia. Municipalities where human trafficking occurs include: San Carlos, Penas Blanca, Ocotal, Esteli, Somotillo, Granada, and Managua. Over 186 routes for trafficking of all types have been identified by national and regional law enforcement as part of a regional mapping exercise being implemented by Save the Children in cooperation with NGOs and IOs.

A Proactive National Response

Although it has one of the poorest economies in Central America, in recent years Nicaragua has been pro-active in protecting child victims of commercial exploitation. This commitment is reflected in the Nicaraguan Constitution, which calls for the protection of all against slavery and all forms of trafficking in persons, as well as the number of nationally adopted policies on the protection of children, including, the National Plan for the Eradication of Child Labor and Protection of Adolescent Laborer; the National Plan for the Prevention of Intra-Family Violence; the National Plan against Commercial Exploitation of Children; and the Plan of Action on Children and Adolescents. Nicaragua's adoption of the Child Protection Code (CNA), making sexual

exploitation of minors a crime, is considered good regulatory legislation. In addition, in 2004, proposed revisions to its Criminal Code were submitted to parliament that would significantly strengthen existing statutes on child sexual exploitation and trafficking in persons. These reforms would stiffen penalties and make the legal descriptions more precise, thus facilitating the work of police and prosecutors.

A3. Strengths

The Government of Nicaragua's efforts to combat trafficking have proven most effective in three areas: combating all forms of child exploitation; safe migration and border control initiatives, and procedural protocols on victim repatriation and assistance.

Combating Exploitation of Children for Sexual and Labor Purposes

- The Government of Nicaragua's Efforts to Combat the Exploitation of Children for Sexual and Labor Purposes

Established in 2000, the National Advisory Board for Integrated Attention and Protection of Minors (CONAPINA) is the GON's state agency charged with overseeing policy coordination, awareness-raising, and professional development on the protection of children and adolescents. In addition to CONAPINA's leadership in the working group on anti-trafficking law reform, they are also working on revising and finalizing the National Work Plan against the Exploitation of Children (2006-2008), in cooperation with key partners and IOs.

The MOF's Department for Special Protection (DSP) is responsible for overseeing the implementation of special protection and assistance activities made available to minors by the various government and non-government agencies. This responsibility is mandated by the CNA, which upholds the principles of special protection, prevention, and assistance to child victims of exploitation, discrimination, violence, abuse or mistreatment, and inhuman treatment. In addition, the DSP operates 83 "Centers of Protection" for minors requiring accommodation and other basic assistance (psychosocial, medical, etc.), as their cases are investigated and processed. The DSP strives to reserve three Centers solely for child victims of trafficking. Although no statistics were available on the specific number of child trafficking victims, there were approximately 3,000 children in total residing at the centers. Recently, due to limitations in space and resources, the DSP has been referring cases that can be identified as involving the trafficking of children to a shelter operated by Casa Alianza. During 2006, the DSP will be concentrating on the completion of its newly opened "Transit Center," which is intended to provide emergency accommodation to a maximum of 30 children and adolescents in need of immediate protection. Finally, the DSP coordinates with the Ministry of Foreign Affairs (MFA) and the Ministry of the Interior (MOI) on the repatriation of minors to/from other countries.

The Ministry of Labor (MOL) and the MOI share duties as the leading state agencies involved in combating the exploitation of children. While MOL takes the lead on labor-related sexual exploitation, MOI has the lead on TIP and commercial exploitation in

general. In 2003, an executive directive (Gazette No.199) authorized the MOL to establish the National Commission against Sexual Exploitation of Minors (NCSEM). At the same time, legislation against the sexual exploitation of minors was adopted by parliament. In addition to developing a work plan and publishing a procedural manual for its members, the NCSEM oversees municipal commissions on childhood that include subgroups on child labor. Since 1998, the MOL has implemented a total of 22 projects in cooperation with a number of NGO partners. These projects have had an effect on 27,000 beneficiaries directly and 50,000 indirectly. Project activities have included identifying and assisting victims of child labor by providing vocational training, financial stipends, remedial education, and shelter, primarily in Esteli, Granada, Leon, and Managua. NCSEM's proposed activities for 2006 include focusing on the revision and implementation of its National Plan of Action against Child Labor.

The MOL, in cooperation with the International Labor Organization/International Program on the Elimination of Child Labor (ILO/IPEC) and World Vision (WV), recently completed research involving over 3,000 cases of child labor exploitation including domestic servitude, rock breaking, mining, agriculture, and fishing. The research revealed over 25,000 cases of child domestic servitude, 33 percent of which were identified in the municipality of Masaya. Other municipalities identified as locations with a high percentage of child labor cases include Granada, Leon, and Managua. WV provided direct assistance through counseling, remedial education, vocational skills, and family reintegration assistance to about 300 of these cases. The complete report, in which a host of other NGOs in the country participated, is due for publication and dissemination in the near future.

- Civil Society's Efforts to Combat the Exploitation of Children for Sexual and Labor Purposes

The Federation of Nicaraguan NGOs Working with Children and Youth (CODENI), a network of child protection NGOs that has been in operation for 12 years, closely cooperates with child protection state entities and international organizations to advance the public agenda on child protection. One leading NGO, Casa Alianza, operates a shelter and provides direct assistance to street children identified as at-risk for violence, including child victims of internal trafficking for purposes of sexual exploitation. Casa Alianza is part of a Central American regional network with offices in Guatemala, Honduras, and Mexico and NGO partners in Costa Rica and El Salvador. Casa Alianza provides living accommodations, health services, life and vocational skills, remedial education and family reintegration (if and when appropriate), and regularly receives referrals from state agencies of cases involving child victims of sexual exploitation. Annually, Casa Alianza assists an average of 450 Nicaraguan street children. Last year, Casa Alianza assisted 10 cases, involving 14 Nicaraguan girls, of street child victims of internal trafficking. Given the high number of referrals to the shelter from the MOF, Casa Alianza's priority for 2006 is the realization of a memorandum of understanding with the Ministry on the provision of special protection to victims of sexual exploitation.

A local NGO, the Institute for Human Prevention (INPRHN), in operation for six years now, operates a shelter for minor victims of violence. Between 2005 and 2006, INPRHN assisted eight cases of child sexual exploitation, some of which were identified as internal trafficking cases. The shelter can accommodate approximately nine residents and offers immediate basic assistance, including medical and psychosocial services, clothing, food, and shelter. INPRHN's other activities involve support for community networks and family/parental counseling. INPRHN has also conducted research on pedophiles and domestic servitude in cooperation with other local civil society organizations.

As part of a project conducted in cooperation with Nicaraguan immigration services, the police, and NCCTP, Save the Children Canada (StC) has been working on finalizing a 2005 mapping exercise that traces trafficking routes across the region. Preliminary observations from the mapping exercise have identified Nicaragua to be primarily a transit and source country. The majority of victims of trafficking for sexual exploitation are Nicaraguan women and children who are trafficked into Guatemala through Nicaragua's northern borders. Nicaraguan youth, mostly male, are exploited for labor in Costa Rica, departing Nicaragua through the southern border town of San Carlos. Internal trafficking exists predominantly among indigenous girls from rural areas who are trafficked into urban areas for the purposes of domestic servitude and/or sexual exploitation. In order to increase the impact of preventive and protection activities implemented in collaboration with local state and non-state partners, StC Canada works in close cooperation with its other sister agencies StC USA, StC Sweden, StC Denmark, and StC Norway.

- The UN's Efforts to Combat the Exploitation of Children for Sexual and Labor Purposes

ILO/IPEC's work in Nicaragua focuses on combating the commercial sexual exploitation of children (CSEC), which includes child pornography, trafficking, prostitution, etc. In cooperation with other state and non-state Nicaraguan partners, ILO/IPEC has been active in providing assistance to over 200 cases of CSEC, implementing public information campaigns with posters and video documentaries, organizing training workshops for professionals and service providers, and sponsoring research for publications. In 2006, ILO/IPEC intends to strengthen its support and cooperation for local organizations at the community level, hoping to have as much success at the municipal level as they have had at the national level. In an effort to lobby for parliamentary adoption of the proposed legislative reforms to the current Criminal Code, ILO/IPEC intends to push forward in mobilizing public support through a signature collection project aimed at demanding that parliament adopt the proposed reforms.

The United Nations Children's Education Fund (UNICEF) implements various activities, in collaboration with implementing partners in Nicaragua, aimed at combating child exploitation and child trafficking. These activities include mapping exercises, awareness-raising, legal reform, and sensitization training for law enforcement, state officials, educators, and the tourism industry. In 2006, UNICEF will focus on building the

capacity of institutional service providers to reinforce the state's defense and protection mechanisms in cases involving the exploitation of children. A continued priority of UNICEF will be policy formulation and promotion on the rights of children, as well as developing a national drive to register all Nicaraguan children. UNICEF also will increase its program activities in the autonomous Atlantic coast communities.

Safe Migration Practices against Labor and Sexual Exploitation

The GON, with support from its national and international partners, has made an effort to address the issue of safe migration and border monitoring practices in acknowledgement of the relationship between migration, human smuggling, and trafficking in persons. The most notable activities, often implemented with the support of international partners, were those of the Ministry of Interior's Department of Immigration, Ministry of Labor, Ministry of Education, and the Regional Migration Network.

- The Government of Nicaragua's Safe Migration Practices

The MOI's Department of Immigration, an active member of the NCCTP and its working group on victim repatriation, implements border control activities. This anti-trafficking initiative is an attempt to protect Nicaraguans, primarily minors, from being smuggled, trafficked, or exploited once they cross national borders.

To date, over 186 routes for TIP and other illegal activities have been identified by national and regional law enforcement partners as part of a regional mapping exercise being implemented by the MOI's Office of Police and Immigration, StC, and IOM, among others. Nicaragua is one of two countries in the region with inspectors physically stationed at the border control post (most of its neighbors only have a border official stamping passports and checking identification documents). Due to the open frontier policy adopted by the CA-4 members (Guatemala, Honduras, El Salvador, and Nicaragua), nationals of these Central American (CA) countries only need photo national IDs to cross other CA-4 member's borders .

In December 2005, the MOI's Department of Immigration implemented a border control project, "Plan Prevencion Frontera," targeting the following border areas: San Carlos, Penas Blancas, el Guasaule, and the national airport. The project involved dissemination of awareness-raising materials and seven workshops targeting over 244 immigration border officials, partner organizations, and other related professions, military personnel, local police, parliamentarians, and border community NGOs. The project resulted in the successful identification of 1,876 cases of minors (1,355 boys and 808 girls) attempting to, or succeeding in, crossing the border. Subsequently, the minors were either assisted in the return to their homes or sent to appropriate agencies or NGOs (statistics as of December 2005). It is possible that some of these cases involved TIP.

The MOL, in cooperation with other key partners, will implement a project to improve the status of labor migrants between Nicaragua and Costa Rica. The three year project consists of disseminating labor rights information to Nicaraguan migrants and Costa Rican employers, assessing labor regulations, implementing legislative reform, and conducting studies related to migrant labor. This is a highly welcomed initiative given the significant number of minors and young adults illegally migrating or being smuggled across Nicaragua's San Jose River into Costa Rica in search of employment.

The Ministry of Education (MOE) recently conducted an art contest for children, "what migration means to you," which sought to capture the reaction and perception of migration through the children's artwork. The art depicted how children left behind by migrant parents dreamed of being able to join their parents abroad. The MOE is currently working with its NGO partner, Nicaraguan Immigration Network (RNI), to compile the results of the art project into a narrative report detailing the vulnerability of this at-risk group. RNI's follow-up plans include conducting an assessment among members of this group to more fully determine how they experience being left behind by family members who decided to migrate.

In 2005, the GON ratified the U.N. Convention on the Rights of Migrants, passed legislation against smuggling in persons, and adopted Law 240 protecting migrants in Nicaragua. Before the passage of Law 240, identified illegal migrants were imprisoned; however, since the passage of the law, illegal migrants only face deportation to their country of origin, unless a claim of asylum or other relief is applicable. Migrants in Nicaragua are mainly known to be Chinese, Ecuadorians, and Peruvian (at the time of this assessment, statistical data on human smuggling cases were not available to the consultancy team).

- Civil Society's Safe Migration Practices

The RNI has been lobbying for a regional policy granting legal status for migrants residing in the Central American region. The RNI is a the local branch of regional network of human rights and migration NGOs providing support, advocacy, and legal reform to migrants in the region based on international and regional government commitments. Without legal status or access to protection and assistance in countries of destination, there is a dramatic increase in the risk of becoming or remaining a victim of exploitation. Two such cases that have been brought to the public's attention involve two Nicaraguan children from Esteli reported to have been abandoned by their Nicaraguan mother in Costa Rica.

Victim Repatriation and Assistance Protocols

- Government of Nicaragua's Victim Repatriation and Assistance Efforts

The MFA is responsible for providing attention and assistance to nationals identified as "vulnerables" outside of Nicaragua. In such cases, the MFA plays a key role in the repatriation of Nicaraguan nationals. The MFA serves as the catalyst between its

consulates in the region with regard to case files, police investigations, regulatory advisories and security alerts. During 2005, the MFA, in cooperation with its consulates and embassies in CA, identified a total of five trafficking cases for the purpose of CSEC; three cases were in Guatemala, one case was in El Salvador, and one case was in Honduras. In each case identified, the MFA liaised with the MOI, the MOF, Interpol, the Attorney General's Office, and NGO shelter partners.

In practice, the victim repatriation process generally involves coordination among the following partners: Nicaraguan Consular Office in the country of destination; the IOM in the country of destination and country of origin; the MFA, the MOI's police, the Department of Immigration, and the Attorney General's Office. In cases involving a minor, these groups coordinate with the following specialized agencies: the MOF, CONAPINA, and some specialized NGOs (primarily the NGO shelter "Casa Alianza").

Through a series of working sessions with relevant agencies on both sides of the border, the NCCPT's working group on victim repatriation has been successfully facilitating the GON's efforts at securing bilateral protocols on repatriation with Guatemala and El Salvador. The NCCPT has made this a top priority and a final agreement is expected within the first few months of 2006. Afterwards, the NCCPT intends to explore the same possibilities with Honduras. Although Honduras has reportedly declined signing similar protocols with both El Salvador and Guatemala, these two countries already have their own bilateral protocol on the repatriation of trafficking victims in place.

The MOI's Gender Commission Division and Department of Juvenile Justice are two additional key agencies in the exchange of information and case work coordination within the MOI. The Gender Commission has 23 offices spread throughout the country that assist in reporting abuses by filing a claim with the police and providing psycho-social counseling and referral services (medical, legal, shelter, etc.) to victims of intra-family and sexual violence. Offices in the municipalities are located near or adjacent to the local police office.

- Civil Society's Victim Repatriation and Assistance Efforts

The NGO, Center for Female Victims of Sexual Violence (IXCHEN), manages ten centers for women victims of sexual violence. Women receive immediate medication, psycho-social, legal, educational, and vocational services. IXCHEN has assisted over 3,000 cases of sexual violence to date, some of which may be TIP cases. Additional activities by IXCHEN include lobbying for and implementing legal reform and proposing revisions to the GON's Criminal Code that would criminalize intra-family violence. IXCHEN also was instrumental in getting the parliament to consider the draft National Action Plan against Gender-based Violence.

- The IOM's Victim Repatriation and Assistance Efforts

A key partner in regional anti-trafficking activities, the IOM has been implementing workshops using its “Counter-Trafficking Training Module on Cooperation and Networking.” Funded by the United States, the IOM recently completed a project on the “Repatriation and Social Reinsertion of Street Children and At-risk Children Affected by the Trafficking of Migrants.” The IOM is currently preparing for the eventual implementation of another pipeline project, “Strengthening National and Regional Cooperation to Prevent and Combat Human Trafficking in Central America.” Its focus activities in the region consist of building the capacity of its national partners to network, build coalitions, and plan strategically.

A4. Challenges

Prosecution

Legislation

In the region, Guatemala, Honduras, El Salvador, the Dominican Republic, Panama, and Costa Rica have all passed relevant legislation against human trafficking and/or specifically trafficking in children. Nicaragua is the only remaining country in the region that has not yet reformed legislation to modernize its statutes on trafficking in persons.

Existing Nicaraguan legislation against TIP is faulty because it fails to define the crime with sufficient precision to enable police and prosecutors to use it in all TIP cases. As a result, some traffickers have to be prosecuted on other charges, such as kidnapping and rape, as well as statutory rape. However, not all of these crimes carry prison sentences compatible with the gravity of the crime of trafficking.

The NCCTP’s legal reform working group led by CONAPINA drafted a proposed anti-trafficking Criminal Code provision, in line with the U.N. Protocol against Human Trafficking, ratified by the GON in July 2004. The proposed Criminal Code reforms call for the replacement of existing Criminal Code articles 203 (Trafficking in Persons) and 552 (White Slavery) due to a lack of clarity and contextual contradictions. At the time of this assessment, the leading Nicaraguan TIP prosecutor was reviewing the draft code and her suggestions as well as those of CONAPINA will be incorporated into the draft code. The anticipated reforms will increase penalties for offenders, broaden the scope of their applicability, and harmonize child protective legislation with international law. Additional reforms that have been championed by many Nicaraguan prosecutors include amending the Criminal Code to allow for the preservation of the victim’s testimony and creating specialized police units as well as victim-witness coordinators located in prosecutor’s offices.

Law Enforcement and Prosecutions

The MOI's Police Special Crimes Unit (PSCU) began operations in 2005 and is the state body responsible for the investigation of cases related to TIP, human smuggling, missing persons, and related crimes. The PSCU functions under the auspices of the Department of Judicial Assistance and consists of four police officers who manage cases of trafficking, economic fraud, false documentation, and illegal smuggling. The unit manages investigations with the assistance of MOI's field personnel, including 18 police stations and 203 police investigators (of whom 91 are women).

The PSCU reported 34 cases of sexual violence in 2005 involving victims aged 13-17 years old. Some of these cases may have involved TIP. Last year, the PSCU was involved in a regional law enforcement project known as, "Plan Aztec," in which police activities were coordinated to take place throughout CA uncovering establishments believed to be involved in TIP, such as massage parlors, clubs, and bars. The data gathered is currently being synthesized and analyzed by the MOI with the goal of better understanding the "bigger picture" in the region. In 2006, the PSCU will focus on strengthening its field coordination and investigations by training and appointing a contact person in police stations located in key municipalities active in TIP.

The Special Prosecution Unit (SPU) in the Office of the National Prosecutor (Fiscalia) is responsible for the prosecution of cases involving intra-family violence, human trafficking, child trafficking, pornography, and sexual tourism. The SPU has a staff of eight public prosecutors consisting of one prosecutor as the unit's coordinator, one prosecutor for cases of sexual violence, and six deputy prosecutors for juvenile offender cases. The SPU cooperates closely with the MOI Police Special Offense Unit and Casa Alianza, among others. For example, the SPU participated in the "Plan Aztec" law enforcement project led by the PSCU, which conducted police raids throughout the country, targeting businesses allegedly involved in human trafficking.

Noteworthy, is the lack of witness protection legislation in Nicaragua. As a result, victims of TIP seldom agree to be witnesses in a courtroom that provides no protection against the accused trafficker's threats and intimidation. Current national legislation does not allow alternative protective methods of testimony into the courtroom, such as video linked testimonies, separate screened rooms, or written testimonies. Rather, the victim-witness typically has to sit within close proximity to her alleged trafficker. Moreover, there are no special protection measures for minors testifying in a trafficking case. Occasionally, members of the judiciary take measures to offer the victim protection within the courtroom, but this is done on a completely ad-hoc basis.

In addition, law enforcement officers are not obliged to cooperate in trafficking cases. Some of the more glaring weakness identified by partners involved in the various stages of the legal process include poor internal coordination, insufficient ministerial accountability, and lack of resources and modern equipment.

Trafficking Cases Brought to the Court

Between 2003 and 2005, the SPU received 35 cases. The Unit investigated 26 cases and submitted 9 for prosecution, of which 5 went forward for prosecution. However, not all prosecutions are successful, in some cases due to victims who do not feel safe participating in the judicial process.

In 2004, an investigation commenced that was given the name “Excursiones Danelia.” A mother began searching for her missing daughter who had “disappeared” from the neighborhood of Barrio Mon Señor Lezcano. The victim had been deceived by a local woman into joining a group of other young women on an “excursion” to Guatemala. Once in Guatemala, the young women were sold to various nightclub owners who forced them into prostitution. Investigations revealed that this trafficking set-up had been operational in Nicaragua since 2002. The first trial took place in January 2005 and concluded with four convictions and one acquittal. Those convicted have appealed the guilty verdict, but they remain incarcerated while the appeal works its way through the system. As of early 2006, it has already been rejected by one appeals court.

In the “Sandino” case a foreigner residing in Nicaragua was convicted of rape and corruption of minors in January 2005 and sentenced to 29 years in prison. The defendant frequented clubs and paid intermediaries to locate young girls between the ages of 12 and 15 who he would then drug, rape, and photograph. The defendant is presently serving his 29 year sentence in Nicaragua.

In the case known as “Chilamatillo,” Nicaraguan girls from Managua were trafficked by being kept prisoner in a shanty house during the day and forced into prostitution at night in Managua’s red light district of Carretera Masaya. In this case, the perpetrators of the crime were a couple who also had forced their three daughters into prostitution. The 7 identified victims were street and at-risk children between 11 and 14 years of age. The victims were placed in Casa Alianza where they received psycho-social support and prepared for the hearing and their eventual reintegration into their family and community. However, once the trial began in October 2005, six of the victims had already left the shelter, leaving only one victim-witness willing to appear and testify in court. The prosecutor in the Chilamatillo case believes that only one out of seven victims-witnesses testified because the others were intimidated, threatened, or bribed by their alleged trafficker(s). The case was heard before a jury that found the defendants not guilty on charges of corruption of minors (the only criminal charges available). The prosecutor was granted an annulment of the jury’s verdict on the grounds that one of the jurors had a serious hearing impairment and another had a criminal record. The judge ordered the alleged traffickers to appear for a new trial, but they fled justice and are presently at large. Meanwhile, the SPU is working with the MOF to determine how to terminate the rights of parents who endanger the welfare of their children by trafficking them.

In January 2006, the SPU was preparing for the possible prosecution of another case, “Montserrat Chinadega”, involving four persons accused of attempting to traffic five minors between Nicaragua and El Salvador.

Protection

Policy-Makers and Demonstrated Political Willingness

In 2003, the Ministry of Interior organized a series of roundtables attended by over 80 participants to discuss human trafficking in Nicaragua. Following these open discussions, NCCTP was established under the auspices of the MOI. Chaired by a Program Officer responsible for establishing coordination among the anti-trafficking partners, the NCCTP is a multi-sector forum for coordination and information exchange comprised of approximately 75 representatives from state entities and civil society organizations. The NCCTP’s executive committee is chaired by the Deputy Minister of Interior and is comprised of the following key members: the MOI, CONAPINA, Casa Alianza, Iglesia Morada, the MOF, and the Parliamentary Commission on Gender. The executive committee has met four times since its establishment in May 2004.

The NCCTP members have been most active in preventive and protection activities at the municipal and departmental level, where they receive regular support from local organizations and officials. One of their first preventive activities, in 2004, was a public awareness-raising campaign that included a televised weekly talk show on the issue of human trafficking. The series ran for an estimated eight months. The NCCTP’s participation in regional efforts such as seminars and conferences has included events in Costa Rica and Guatemala, among others. A USAID-funded research project, the Central American Aids Prevention Project (PASCA), will focus on the institutional strengthening of the NCCTP, including the design of their own public access website.

As the policy-making entity, the NCCTP faces a number of challenges. In its current structure of over 75 members, it is limited in its ability to effectively coordinate, facilitate data exchange, and formulate and monitor the implementation of policies. These structural weaknesses can be attributed to the lack of a legal framework mandating the Coalition’s existence. Strengthened protocols between the various government ministries would facilitate the Coalition’s work by delineating and regulating its scope of work, reporting mechanisms, appointed member competencies, membership terms of service, accountability and enforcement mechanisms, etc.

Although well drafted, the draft National Plan of Action against Human Trafficking (NPA) has not yet been adopted by the GON.. However, the Assembly continues to discuss the Plan, and it is hoped that it will be passed sometime during 2006. Irrespective of its recent advances on the issues of repatriation protocols and combating trafficking in children, the anti-TIP cooperation between the various governments remains weak, although addressing this issue is the job of all the CA governments together.

Institutional Capacity-Building and Specialized Training

Limitations in victim assistance are a contributing factor to unsuccessful prosecutions given the substantial weight of a well-prepared, credible and stable victim-witness testimony in court. The following includes a host of activities implemented by partner agencies aimed at providing protection to potential and actual victims of human trafficking. What also follows is a general description of some of the more challenging institutional weaknesses of the partner agencies involved in combating human trafficking.

The MOF established the Center for Information (CI) in 2005 to provide guidance and assistance (via telephone or in-person) to victims of intra-familial violence and crimes of sexual violence. The helpline is accessible countrywide, albeit only via landline and mobiles from the service carrier, Enitel. The MOF Center intends to remedy this technical weakness, which limits public access to the helpline.

Although well intended and active, the MOF is also overworked, understaffed, and not sufficiently well coordinated. It often lacks the resources to fulfill its mandate as a state child protection agency. Whereas the Child Protection Code is considered to be a good piece of legislation, the government has often lacked the resources to implement and enforce it fully, with most of the burden being placed on the MOF and CONAPINA.

The MOI's Public Security Unit is responsible for licensing businesses such as nightclubs and massage parlors. However, the travel agency implicated in the successfully prosecuted trafficking case "Excursion Danelia" remains licensed to the family members of the convicted trafficker and continues to profit as a result of current Nicaraguan law that does not allow the authorities to seize or shut down the business. As to the other key agencies within the MOI, effective law enforcement activities are hampered. In addition to the need for appropriate legislation, most of the key anti-TIP agencies are overworked, understaffed, and under-equipped, including the Department of Juvenile Justice, Immigration, the Gender Commissions and the Police Special Crimes Unit.

The MOL is responsible for conducting regulatory inspections of massage parlors, restaurants, bars, and nightclubs, etc. Although inspections are conducted, they are infrequent due to the limited staff and their unlikelihood of conducting inspections at night, when criminal activities are more likely to occur.

Specialized training on human trafficking is not universally institutionalized. It remains accessible to service providers and professionals on an ad-hoc basis, depending on the availability of donor-funded training projects (more often involving fee-based consultants, rather than incorporating training curricula into sustainable domestic training entities). Nonetheless, the awareness-raising workshops and seminars conducted by the NCCTP's partners are a solid step in the right direction.

According to interviews, the MOI and MFA are the only government bodies that have managed to institutionalize anti-trafficking training. The MFA's diplomatic academy responsible for preparing its foreign service officials has incorporated into its training curricula basic awareness-raising on human trafficking and other related topics of relevance to cases faced by embassy and consulate personnel posted outside the country. Thereafter, the MFA keeps its personnel abreast of anti-trafficking initiatives and newly introduced protective national legislation, mainly via email communication and bilateral meetings in Managua. The Minister of Interior has been an active supporter in securing training for its police officers, border patrols, and immigration officials on topics including gender awareness, human rights, children's rights, and human trafficking.

Prevention

Public Education and Awareness-Raising

Anecdotal evidence and survey reports reveal that much of the Nicaraguan public is not sensitized to the experiences victims of trafficking face. Instead, a significant portion of Nicaraguan society blames the victim, even child victims, for their unfortunate predicament: *They do it because they like it, because they want to, they are lazy, they are loose girls*. The public continues to express confusion between migrant smuggling and trafficking in persons and are naïve or in denial about the inter-relation between these two unlawful exploitative activities: *There are no victims; traffickers are helping folks find a better life*. Because the public is not sufficiently familiar with the negative consequences of human trafficking on Nicaraguan society, it tends to regard TIP cases as the problem of individual victims and their families rather than as a systemic problem to be addressed.

According to the legal professionals in the Chilamatillo case, where the accused traffickers were found "not guilty," the case's downfall was not only due to limitations of police evidence-gathering, but also stereotypes and stigmatization against the victims of trafficking. Law enforcement has to contend with family members who withdraw complaints of trafficking, often based on their ability to get money sent home to them from their exploited family member. The families sometimes show little concern for the victim's welfare. Immigration and border control officials have trouble convincing potential victims stopped at the border of the risk of getting trapped in a trafficking ring. Generally, potential victims have dismissed the warnings of the border control officials. For minors with documented parental permission to leave the country and adult women who choose to leave, law enforcement officials can not do much about prohibiting these persons from proceeding across the border if their documentation appears to be in order.

The majority of NCCTP members are involved in some aspect of prevention activities aimed at raising the level of anti-trafficking awareness domestically. The MOI has planned awareness-raising activities for 2006 consisting of public information campaigns (including televised public service announcements on TIP), roundtable

series, video presentations, public information dissemination, the publication of research reports, and strengthening community networks of concerned parents and other community members. The MFA disseminates public awareness information developed by NGOs to Nicaraguan embassies and consulates. The MOE implements sexual violence prevention programs in schools, which consist of information dissemination, training of counselors, and awareness-raising of parents. To date, an estimated 1,300 school counselors have participated in training workshops and a youth public education booklet against human trafficking has been produced and disseminated, in collaboration with NCCTP partners. The MOE's preventive programs targeted schools in eight locations, most notably Esteli, Chinandega, Granada, and Managua.

The NGO *Dos Generaciones* (Two Generations) is the leading organization of a 29 member NGO consortium on special protection and advocates for youth and child rights against exploitation and violence. *Dos Generaciones* preventive activities include raising awareness among teachers, community leaders, social workers, students, and parents, in addition to capacity training for prosecutors and judges to help trafficking victims avoid re-victimization by the legal system.

The Chamber of Tourism members participated in awareness-raising workshops hosted by NCCTP in which participants included entrepreneurs of hotels, restaurants, travel agencies, rental car agencies, and other relevant private sector agencies. The Chamber of Tourism, the most active member of the private sector association, the Chamber of Industries of Nicaragua (CADIN), collected over 2,000 member signatures pledging to combat sex tourism and CSEC. Along with the Chamber of Tourism, CADIN members include the Chamber of Commerce, the Chamber of Industry, and the Association of Professionals (COSEP). CADIN produces and widely disseminates a newsletter in which model examples of socially responsible businesses are regularly featured, including coverage on the topic of human trafficking. In April 2006, CADIN will be hosting a conference in Nicaragua regarding "Global Compact on Social Responsibility," where they hope to highlight how the private sector can strengthen its support for the region's anti-trafficking initiatives. Over 4,000 CADIN members have signed a Code of Ethics. A tourism law passed in 2004 calls for the revocation of the business license of any company engaged in sex tourism, while the pending reforms to the Criminal Code would add criminal penalties as well.

More efforts such as these are necessary if the public is to become more fully informed of the dangers of trafficking.

SECTION III

Recommendations

Based on a comparative analysis of the data collected during the assessment and suggestions gathered from partners and stakeholders during this same period, the team recommends the following programmatic responses. These proposed interventions are intended to strengthen the foundation for long-term successes in the GON's fight against human trafficking.

A1. Prevention

Empower media professionals through specialized trainings on investigative journalism and appropriate reporting of human trafficking cases.

- The media in Nicaragua is described as reformist, skilled and generally independent. It covers stories on organized crimes, including human trafficking. Increased coverage of trafficking cases by trained journalists would raise awareness among the general public and support the efforts the NCCTP and its partners. Responsible reporting and media training to address trafficking could bring pressure on public officials and the judiciary to respond to trafficking and could, in turn, serve to protect victims. Media attention on the successful prosecution of anti trafficking cases and convictions could promote public involvement in reporting suspected incidents of human trafficking.

Empower the public to support their country's anti-trafficking efforts through aggressive awareness-raising campaigns and targeted public education.

- Nicaraguan society remains apathetic to the plight of victims, and to its negative social-economic consequences. An aggressive, public information campaign could focus on the negative impact human trafficking has on crime and corruption, public health and safety; human capital and economic development, as well as human rights and children's rights.
- The innovative approaches already underway to raise awareness (radio programs, televised films, published information, public interest TV adds, etc.) and public education projects (town hall meetings, community peer discussions, political fora, school debates, etc.) need to be expanded. These approaches should include testimony from Nicaraguan survivors of human trafficking. CADIN, the private sector umbrella association, has expressed an interest in hosting an activity in support of the upcoming elections. Political party candidates could speak on issues of concern to the public interest and the development of a socially responsible private sector, including anti-trafficking. The Chamber of Industry and the Chamber of Tourism are both open to collaborating with NCCTP partners, primarily the MOE and the MOF, on awareness-raising or educational projects.

Improve the operational capacity of anti-trafficking partners to continuously address evolving trafficking trends.

- The following subject areas have been identified by TIP actors in Nicaragua as areas on which the GON and local NGOs need assistance improving their operational capacity: providing improved services for orphans and abandoned children, street children, and domestic workers; aiding in the victim social and family re-integration process, identifying TIP at tourist locations, addressing the demand side of trafficking, and prosecuting trafficking cases, particularly cases of labor exploitation.

A2. Protection

Foster reform and implementation of protective legislation against gender-based violence and witness protection.

Despite considerable lobbying by NCCTP partners and other interested parties, the Nicaraguan parliament has yet to pass the new Criminal Code, including the statutes that would strengthen efforts to combat human trafficking in the country. Continuing efforts will be necessary to ensure that the TIP reforms are ultimately approved.

- If approved, the new anti-trafficking laws will be in compliance with the U.N. Protocol against human trafficking which: a) defines human trafficking so as to encompass all forms of exploitative purposes; b) exonerates the victim for crimes s/he may have committed in the course of being trafficked; c) protects rights of a victim without discrimination based on past history, race, ethnicity, and sexual orientation and places the responsibility on the state to initiate the mechanism for referral, protection, and assistance; d) incorporates and references criminal provisions against child trafficking and internal trafficking; e) assures sentencing penalties reflect the gravity of the case; f) punishes not only the alleged perpetrator, but also accomplices and organizers.
- The suggestion from many Nicaraguan prosecutors that further criminal justice reform is needed should be addressed. For example, there is a need for the Code of Criminal Procedure to allow for the preservation of the victim's testimony and to create specialized police units and victim-witness coordinators located in prosecutor's offices.
- Parliamentarian representatives on the NCCTP are key to legislative lobbying efforts. For instance, the Parliamentary Committee on Women could host a seminar for their fellow parliamentarians on the devastating socio-economic consequences of human trafficking. The NCCTP's objective for targeting the legislative and executive branches of government could serve to increase

awareness and sensitivity on trafficking in persons, lead to parliamentary debates, and help to galvanize support for legislative reform.

Establish strategic partnerships, domestic and regional, between state and NGOs

- One aim of the NCCTP is to establish a formal system by which partners commit to providing protection and assistance to combat trafficking. At present, an ad-hoc practice is in place where the identified victim (either domestically or cross-border) is offered basic assistance. However, this assistance could be strengthened by improving coordination among agencies. The intent is for the GON's newly developed protocol to delineate the precise responsibilities and procedures for each ministry or agency. Through memorandums of understanding among agencies and NGOs, trafficked victims can be ensured assistance and protection from the identification phase, through the legal procedures phase, and on to social reintegration. The strategic partnership between governments and NGOs providing victim assistance and protection is a country's National Referral Mechanism.
- Human trafficking is a transnational crime, and therefore, combating it demands cross-border activities that can increase cooperation among governments to protect victims and prosecute traffickers. NCCTP members have successfully participated in various Central and Latin American research, training, and best practices initiatives. Central American police, immigration officials, and NGOs are collaborating regionally. This regional collaboration could be reinforced by supporting experts and entities, including the private sector, who deal with anti-trafficking.

Build the capacity of the National Coalition to Combat Trafficking in Persons.

- The NCCTP must strengthen its advisory role to become an effective public policy proposer, as the leader in Nicaragua's fight against trafficking, taking the lead in monitoring trafficking and acting as Nicaragua's primary advocate in the fight against trafficking. In order to regain a sense of commitment among NCCTP members, the GON should initiate a review of the organization. The review could include an examination of the NCCTP's mission and objectives. It could also consider the addition of more thematic working groups for policy implementation purposes. It should also review and improve its coordination mechanisms. The review might include the improvement of vertical and horizontal collaboration and dialogue (e.g., cyber space discussion forum; electronic monthly newsletter; restricted access webpage). The NCCPT also needs to develop the capacity to train and support municipal level state and non-state partners (networks, commissions, communities, etc.) and, finally, each member of the NCCTP should define their competency areas and roles in the victim assistance process to share among the members.

- The NCCTP could combine resources with CONAPINA, the state entity charged with combating the exploitation of children on the issue of internal trafficking. Establishing an operative special protection mechanism for all Nicaraguan children in need of protection would help increase the identification of internal victims of sexual and labor exploitation. The NCCTP could use its expertise to suggest reforms aimed at strengthening ministerial cooperation and improving capacity of state service providers on how to better identify and assist child victims of human trafficking. Attention should be given to the vulnerable situation of street children, children of migrants left behind in Nicaragua, and MOF's foster homes, foster centers, and its newly established transit center.

A3. Prosecution

Strengthening law enforcement, legal professionals and the rule of law

- The NCCTP needs to increase its members from the legal profession, perhaps by inviting a victim advocacy organization and a justice sector representative. The justice sector representative could share information with the judiciary concerning related reforms and advances, but not case file data.
- NCCTP partners should sponsor multi-disciplinary, specialized trainings aimed at developing practical skills in the area of victim identification, pre-trial investigation, and prosecution. Law enforcement and legal professionals have had basic awareness training.

In conclusion, the implementation of these recommendations will lead to the strengthened prosecution of anti-trafficking cases through:

- An NCCTP with the ability to translate Nicaragua's political willingness into public policies and programs;
- Empowered state and civil society organizations, media and communities;
- Partnerships between governments and civil society, including proven cooperation between anti-trafficking partners at the regional level;
- Legislation criminalizing trafficking in persons and trafficking related crimes and protective legislation for children and victim-witnesses.

A4. Additional Recommendations

USAID Nicaragua Country Plan FYI 2003-2008 focuses on the implementation of a development program in alignment with regional strategic objectives and the principles of the Millennium Challenge Account: governance, economic freedom, and human investment. Below are the assessment team's suggested activities for each of the Mission Strategic Objectives:

- SO 1 Justice and Democratic Governance: More Responsive, Transparent Governance

Recommended projects in this area would target public policy makers to mobilize support for future and pipeline legal reform and implementation of policies by increasing sensitivity levels among parliamentarians and government. Integration of an anti-trafficking message in the work of political actors will serve to benefit continued efforts towards a more responsive political leadership.

Civil society organizations that are part of the NCCTP could receive support in their advocacy for an increase in the National budget portion to be assigned to the GON institutions that are part of NCCTP in support to their anti-trafficking efforts.

Recommended project activities in this area could incorporate sensitizing and mobilizing support at the local government level for the GON's anti-trafficking efforts. Possible anti-trafficking activities for local government could include: designing municipal strategies on the local implementation of the National Action Plan against Human Trafficking and harmonizing local government ordinances with pending national legal reform initiatives for the purpose of implementation consistency at the operational levels in local municipalities. Supporting capacity-building to a focal point on TIP issues at the local government levels will also assist efforts at streamlining local data-collection, geographical trend analysis, project monitoring, and the creation of alliances between local civil society organizations and local government entities.

- SO 2 Economic Freedom: Open, Diversified, Expanding Economies

Recommended projects in this area would aim at increasing the involvement of private sector, and state financial entities (Ministry of Economy and/or Finance, etc.) in combating TIP. The private sector umbrella association, CADIN, would be the most natural intermediary in this field given its expressed willingness to support the GON's anti-trafficking efforts. Impetus for such involvement could come from emphasizing the inter-relationship between human trafficking activities, the increase in social violence and personal insecurity, and the deterioration of Nicaragua's future's human resource pool. Cooperating partners would include civil society organizations involved in the development of public interest topics within the private sector. Possible outputs would include the development of business and employment policies that foster gender equality, promote ethical standards, protect against discrimination and harassment, provide whistleblower mechanisms, support for local vocational development opportunities, permit zero-tolerance for child labor exploitation, and train staff and managers implementing protective regulations and policies.

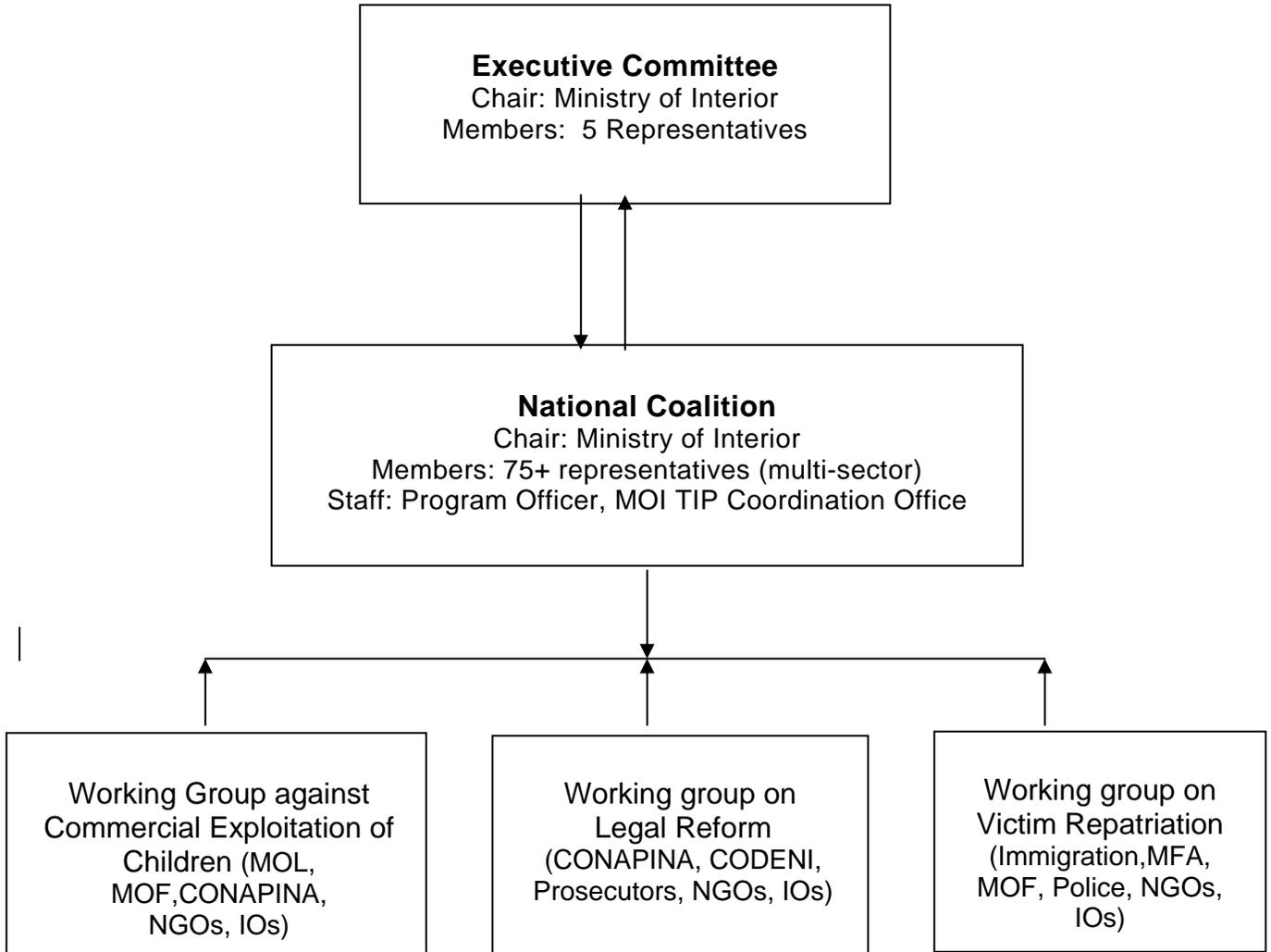
ANNEX A

Anti-Trafficking Assessment Interviews January 18-31, 2006

Name	Position	Organizatio
María Gabriela Zúñiga	Program Coordinator	National Coalition to Combat Trafficking in Persons
Argentina Martínez	Program Director	Save the Children-Canada
Alan Arguello	Program Director	CONAPINA
Mayor Hamín Gurdíán & Elizabeth Ramos	Head and Deputy Head	Ministry of Interior, Juvenile Police Unit
Eva Sacasa Gurdíán	Former Director	Program for Integral Attention to Children and Adolescents at Risk
Grethel López & Merardo Solís	Executive Director	Casa Alianza
Raúl Rivas	Project Specialist	International Organization for Migration (IOM)
Commander Juan Vanegas	Director	Border Patrol
Lotty Bendaña & Ana Cecilia Solís	Head of Consular Section	Ministry of Foreign Affairs
Lidia Midence	Executive Secretary	National Commission for the Eradication of Child Labor
Odette Leyton	Public Prosecutor	Ministry of Public Special Prosecutors Unit
Sonia Sevilla	Program Director	ILO/IPEC
Pedro Siero	Head of Unit	Ministry of Family
Ana Lucia Silva	Head of Office	UNICEF
Juan Aleman	Head of Unit	Ministry of Interior, Special Crimes Unit

ANNEX B

National Coalition against Trafficking in Persons in Nicaragua
(draft of 1/2006)



ANNEX C

Bibliography

Casa Alianza. "Programa de Atencion Integral para Ninos, Ninas, y Adolescentes Victimas de la Trata y la Explotacion Sexual Comercial." 2004. www.casa-alianza.org

Casa Alianza. Save the Children Suecia. "La Explotacion Sexual commercial de Personas Menores de Edad." 2004.

Casa Alianza. "La Paz no les ha Llegado: Nino y Ninas de la calle en Centroamerica." 2000.

Casa Alianza. ECPAT. "Investigacion Regional sobre Trafico, Prostitucion, Pornografia Infantil y Turismo Sexual Infantil en Mexico y Centroamerica." 2002. www.casa-alianza.org; www.ecpat.net

Coalición Nacional Contra la Trata de Personas. "Plan de Accion de la Coalicion Nacional Contra la Trata de Personas 2005 – 2007." Primer Borrador. Noviembre 2003.

Coalicion Nacional Contra la Trata de Personas. "Ayuda Memoria Segundo Taller Sobre Trata de Personas." Mayo 2004.

Comision de no Violencia de la Federacion Coordinadora Nicaraguense de la Ninez y la Adolescencia. "Asi Piensan y Actuan los Abusadores y Explotadores Sexuales – Una Vision Masculina de la Violencia Sexual." 2005.

Comision Permanente de Derechos Humanos. "Manual de Deerechos Humanos III." 2004.

Comision Permanente de Derechos Humanos. "Derechos Humanos una Lucha Permanente." Ano 3, Edicion No.5. 2005.

Consejo National de Atencion y Proteccion Integral a la Ninez y la Adolescencia. "Mociones al Proyecto Codigo Penal de la Republica de Nicaragua." Noviembre 2004.

Consejo National de Atencion y Proteccion Integral a la Ninez y la Adolescencia. "Ley 351 de Organizacion del Consejo Nacional de Atencion y Proteccion Integral a la Ninez y la Adolescencia y la Defensoria de las Ninas, Ninos y Adolescentes." Managua, Nicaragua. September 2003.

Consejo Nacional de Atención y Protección Integral a la Niñez y la Adolescencia. Federación Coordinadora Nicaraguense de ONG que Trabajan con la Niñez y la Adolescencia. "Comite de los Derechos del Niño, 39 periodo de Sesión, Examen de los Informes Presentados por los Estados Partes en Virtud del Artículo 44 de la Convención sobre los Derechos del Niño, Observaciones Finales Nicaragua." Noviembre 2005.

Consejo Nacional de Atención y Protección Integral a la Niñez y la Adolescencia. "Política Pública contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes." Noviembre 2002.

Consejo Nacional de Atención y Protección Integral a la Niñez y la Adolescencia. "Plan nacional Contra la explotación Sexual Comercial de Niñas, Niños y Adolescentes 2003-2008." Noviembre 2003.

Comisión Nacional para la Erradicación Progresiva del Trabajo Infantil y Protección del Adolescente Trabajador. "Manual de Gestión y Reglamento." 2003.

Dos Generaciones. "Diagnóstico: Las Implicaciones del Código Procesal Penal ante la Violencia Sexual contra: Mujeres, Niñas, Niños y Adolescentes." 2005.

Dos Generaciones. "La Violencia y la Explotación Sexual es una Realidad de la Niñez y la Adolescencia Nicaraguense." Noviembre 2004.

ECPAT. "La Intervención Policial con Niñas, Niños y Adolescentes Víctimas o en Riesgo de Explotación Sexual Comercial: Leyes y Procedimientos Básicos." Abril 2005.

ECPAT. "Normas y Procedimientos para Funcionarios de Migración y Policía de Frontera en Centroamérica: la Intervención con Niñas, Niños y Adolescentes en Situación de Trata con Fines Sexuales." 2005.

ECPAT. "La Explotación Sexual Comercial de Niñas, Niños y Adolescentes: Una Mirada desde Nicaragua." 2005.

El Nuevo Diario. "Trata de Personas, Mal que hay que Detener." Noviembre 2005.
www.elnuevodiario.com.ni/imprimir/9015

GTZ. "Trata de Personas Particularmente de Mujeres en Centro América y República Dominicana: Una Demanda por las Instituciones Policiales." Managua, Nicaragua. Mayo 2004.

Instituto Interamericano del Niño. "Red de Centro de Información sobre Niñez y Familia." Junio 2004.

Instituto Latinoamericano para la Prevencion del Delito y el Tratamiento del Delincuente. "Trata de Seres Humanos Especialmente Mujeres, Ninos y Ninas: Presentacion en la XII Sesion de la Comision de las Naciones Unidas sobre Prevencion del Delito y Justicia Penal." Viena. Mayo 2003.

John Hopkins University School of Advanced International Studies. "The Protection Project." March 2002.

La Prensa. "Trafico de Personas en Guatemala Aumenta." Octubre 2005.
www.laprensa.com

La Prensa. "Yerros Judiciales Abonan a la Trata de Personas." Abril 2005.
www.laprensa.com

Ministerio de Educacion, Cultura y Deportes. Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Guia para la Prevencion y Deteccion de Ninos, Ninas y Adolescentes Escolares en Riesgo o Victimas de Explotacion Sexual de Nicaragua." 2005.

Ministerio de Gobernacion, Policia Nacional, Direccion de Asuntos Juveniles. "Primer Congreso Regional de las Segovias Participacion Infanto Juvenil en la Seguridad Ciudadana." 2004.

Ministerio de Gobernacion, Policia Nacional. Direccion de Auxilio Judicial. Comisarias de la Mujer y la Ninez. "Manual de Procedimientos Policiales para la Atencion Especializada a Victimas y Sobrevivientes de Violencia Intrafamiliar y Sexual." 2003.

Ministerio de Gobernacion, Policia Nacional. "Orientacion de la Policia Nacional de Nicaragua hacia el Servicio a la Poblacion con Enfoque de Genero." VII Congreso Internacional del CLAD sobre la Reforma del Estado y de la Administracion Publica. Lisbon, Portugal. Octubre 2002.

Ministerio de Gobernacion, Policia Nacional, Direccion de Auxilio Judicial. "Esfuerzos, Medidas y Acciones sobre el Tratamiento de la Trata de Personas." Enero 2006.

Ministerio de Gobernacion, Policia Nacional, Direccion de Asuntos Juveniles. Save the Children Suecia. "Manual de Indicadores de Deteccion Policial." 2005.

Ministerio de Gobernacion, Policia Nacional, Direccion General de Migracion y Extranjeria. "Reunion de Jefes de Puestos Fronterizos de la DGME." Febrero 2006.

Ministerio del Trabajo. Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Analisis Cualitativo de la Situacion del Trabajo Infantil en Nicaragua." 2003.

Nicaragua, Asamblea Nacional. "Reformas e Incorporaciones a la Ley no. 240 de Control del Trafico de Migrantes." Gaceta No. 20. Enero 2005.

Organizacion de Estados Americanos, Comision Interamericana de Derechos Humanos. "Informe sobre la Trata de Personas en el Salvador, Guatemala, Honduras y Mexico: Presentado en el marco de 123 periodo de sesiones." Washington, DC. Octubre 2005.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Explotacion entre Cuatro Paredes: Investigacion juridical sobre Trabajo Infantil Domestico." 2005. www.ipec.oit.or.cr

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Boletin Tematico No.3: Reformas Penales para Combatir la Explotacion Sexual Comerical de Personas menores de Edad." 2005.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Documento de Informacion Basica sobre Explotacion Sexual Comercial de Ninos, Ninas y Adolescentes – Centroamerica, Panama y Republica Dominicana." Mayo 2005.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Explotacion Sexual Comercial y Masculinidad – un Estudio Regional Cualitativo con Hombres de la Poblacion General." Septiembre 2004.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Informe de la Encuesta Nacional de Trabajo Infantil y Adolescentes en Nicaragua, 2000." Julio 2004.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Explotacion Sexual Comercial: Guia de Trabajo para Proveedores/as y Encargados/as de Servicios Dirigidos a Personas Menores de Edad Victimas." Febrero 2003.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Boletin Tematico No.2: El Trafico de Personas Menores de Edad con Fines de Explotacion Sexual Comercial." Junio 2003.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Compendio de Normas Internacionales Relacionados con la Prevencion y Eliminacion de la Explotacion Sexual Comercial de Ninos, Ninas y Adolescentes." Septiembre 2003.

Oficina Internacional del Trabajo Programa Internacional para la Erradicacion del Trabajo Infantil. "Explotacion Sexual Comercial de Ninos, Ninas y Adolescentes en Centroamerica, Panama y Republica Dominicana." Octubre 2003.

Oficina Internacional del Trabajo Programa Internacional para la Erradicación del Trabajo Infantil. “Síntesis de los Resultados de la Encuesta Nacional de Trabajo Infantil y Adolescentes en Nicaragua.” Mayo 2004.

Oficina Internacional del Trabajo Programa Internacional para la Erradicación del Trabajo Infantil. UNICEF Fondos para la Nación Unidas para la Infancia. “Contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes: Memoria de la Reunión de Seguimiento del II Congreso Mundial Contra la Explotación Sexual Comercial de Niños, Niñas y Adolescentes.” San José, Costa Rica. 18-20 Mayo 2004.

Organización Internacional para las Migraciones. “Project Proposal: Strengthening National and Regional Cooperation to Prevent and Combat Human Trafficking in Central America.” 2005.

Protection Project. “Trafficking in Persons, Especially Women and Children in the Countries of the Americas.” Report presented at the Hemispheric Conference on International Migration, Human Rights and Trafficking in Persons in the Americas. Santiago, Chile. November 2002.

Red Regional de Organizaciones Civiles para las Migraciones. “Declaración de la Red Regional de Organizaciones Civiles para las Migraciones- RROCM-Ante la X Conferencia Regional Sobre Migración.” Vancouver, Canada. Marzo 2005.

Red Regional de Organizaciones Civiles para las Migraciones. “Cuadernos Migratorios #2, Campaña Por los Derechos Humanos: Migración Documentada.” Julio 2005.

Suecia, Ministerio de Industria, Empleo y Comunicaciones. Gunilla Ekberg, Consejera. “Debate Internacional sobre la Prostitución y el Tráfico o Trata de Mujeres: Impugnación de los Argumentos.” Estocolmo. Noviembre 2003.

Save the Children. “Prevención y Atención al Fenómeno de la Trata y Tráfico de Niñas, Niños, y Adolescentes en Nicaragua.” Plan Annual. 2006.

Save the Children Noruega. “Memoria: Reunión de Coordinación de Agencias Internacionales de Cooperación Sobre Lucha contra la Trata de Personas con Énfasis en Niñas, Niños y Adolescentes.” Managua, Nicaragua. Octubre 2005.

Save the Children Canada. “Aprendiendo a Prevenir la Trata de Personas.” Managua, Nicaragua. 2005.

Save the Children Noruega. “Código de la Niñez y la Adolescencia: Ley No. 287.” 2004.

Sistema de la Integración Centroamericana. "XXVII Reunión Ordinaria de Jefes de Estado y de Gobierno de los Países del Sistema de la Integración Centroamericana." Diciembre 2005.

International Organization of Migration. "*Exploratory Assessment of Trafficking in Persons in the Caribbean Region.*" June 2005. <http://www.iom.org>

International Organization of Migration. "*Legal Review on Trafficking in Persons in the Caribbean.*" June 2005. <http://www.iom.org>

Organization for Security and Cooperation in Europe, Office for Democratic Institutions and Human Rights. "*National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons, a Practical Handbook.*" 2004. <http://www.osce.org/odihr>

United Nations Children Fund. <http://www.unicef.gov>

United Nations Children Fund. "*Combating Child Trafficking, Handbook for Parliamentarians.*" 2005. <http://www.unicef.gov>

United States Agency for International Development. "Nicaragua Country Plan FYI 2003-2008." 2003. <http://www.usaid.gov>

United States Department of State. "*Trafficking in Persons Report 2004.*" June 2005. <http://www.state.gov> <http://gvnet.com/humantrafficking/Nicaragua-2.htm>

United States Department of State. "*Country Reports on Human Rights Practices-2004.*" February 28, 2005. <http://www.state.gov> Oficina de Democracia, Derechos Humanos y Asuntos Laborales. "Nicaragua: Informes de País sobre los Derechos Humanos – 2004." Febrero 2005.