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NICARAGUA:

**Protecting Female Labour Migrants
From
Exploitative Working Conditions And Trafficking**

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Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

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Research Objective

The national debate on the migration problem

The migration issue, when viewed from the perspective of the loss of human capital, the psychosocial impacts on the migrant population and their families, as well as the macroeconomic impact that remittances represent for the country, does not constitute a part of the Nicaraguan Government's daily agenda. Rather, this topic has been approached on a circumstantial basis, in particular when there have been situations of mass deportations, specifically those originating in Costa Rica.

With regard to trafficking of persons, women and children, this issue has not been sufficiently visible in the agendas of public and private social players, and existing information is poor and imprecise. To date, there is no known study or diagnosis of this problem, only a compilation of journalistic information from the year 2000.

As part of some incipient initiatives we find the following:

- (a) **Bi-National Labour Organisation Encounter, Costa Rica — Nicaragua:** "Labour Rights of Migrant Labourers", which was held in September 1999, in order to analyse the circumstances of this population and draft proposals for union action. To date, no concrete actions have been taken, and there is no follow-up agency for the resolutions adopted at that time.
- (b) **Nicaraguan Forum on Migrations (FONIMI, *Foro Nicaragüense para las Migraciones*).** This agency was established in November 2000 and consists of institutions from the public sector, civilian society, and national and international organizations. Its purpose is to foster the promotion, defence, and respect for the rights of migrant groups and their families, as well as providing assistance and orientation for their needs through inter-institutional co-ordination among agencies desiring to contribute to resolving migrants' needs.

The intention of the Forum is to inform Nicaraguan Society and the International Community on the diverse impacts of migration on the national situation, achieving heightened awareness among the citizenry, as well as within the different public institutions, those of civilian society, and the Donor Organizations.

- (c) **United Nations Development Programme, UNDP.** A bi-national project aimed at disseminating and raising public awareness on the situation of the migrant population, particularly that of female migrants. As specific activities, the Programme plans to carry out an event on Costa Rican border with organizations from civilian society interested in the topic and to reach basic agreements on working areas.
- (d) **Studies and supportive research** for the National Council of the Office of the President of the Republic (CONPES, *Consejo Nacional de la Presidencia de la República*). They intend to integrate into the document on poverty eradication a thematic area on migration, from two perspectives: 1) growing migration to Nicaragua's most important cities, whose consequences include immigration of Salvadoran personnel contracted by Nicaraguan firms to work in construction (these workers constitute more expensive labour since they are more highly qualified); and b) the rights of male and female emigrants in Costa Rica, who receive discriminatory treatment. An attempt will be made to propose policies for the Ministries of Foreign Affairs and Labour.

Conceptual focus

The present study focuses on migrant populations as subjects of rights, as persons, citizens, and workers. Thus, an attempt will be made to highlight the rights violations they are submitted to throughout the migration process, including their stay in the receiving country, as well as their reintegration into their home country in the return phase.

This does not mean that we will be assuming a victimized approach, rather, the focus will be on highlighting their role as active economic agents, whether this be in regard to the receiving country, where they play an important role as low-cost labour in different sectors, or with regard to the country of origin, where their remittances constitute a decisive contribution to the nation's economy.

The characteristics of the migration streams and their causes are analysed, beginning with an analysis of the country's situation, that of the migration streams, and a profile of the migrant populations. Finally, the study looks at the living conditions of the migrants and the violations of their rights as male and female persons, citizens, and workers.

The gender perspective is present throughout the analysis, emphasizing the specific conditions of women within the migration processes, in their motivation to move, in the migration process itself, in the characteristics of their arrival in the country of destination and insertion into the workforce, as well as the phases of their return and reinsertion into family and social networks.

Similarly, the effects of the migrations on women, their families, and their communities of origin will be highlighted.

Keeping this reality in mind, as well as the needs expressed, the legislation, policies, and existing initiatives in the country of origin will be analysed, as will the responses of these aspects as they take these problems into account.

Study methodology

1. A bibliographic review was carried out of the available secondary information on:
 - The migration problem in Nicaragua, with particular reference to women;
 - Trafficking of women and children;
 - Legislation related to labour migration;
 - Governmental programmes and policies related to labour migration;
 - Private initiatives related to labour migration, which include private agencies for recruitment and employment, as well as organizations in civilian society (NGOs, religious, and community groups)
2. Semi-structured interviews were carried out with key informants, in particular those working in migrant protection:
 - Representatives of the central and municipal Governments
 - International agencies
 - Organizations from civil society
 - Academics
3. Focus groups were held to evaluate migrant needs and the effectiveness of Governmental and private initiatives. The municipalities of Belén and Rivas were selected for this on the basis of the following criteria:
 - Proximity to the border
 - Socio-economic situation
 - Large numbers of emigrants

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4. A total of 4 focus groups were held:
- Women returnees to Belén
 - Women returnees to Rivas
 - Women who desire to emigrate from Rivas and Belén
 - Men returnees to Belén.

Executive summary

Since 1993, there has been an increase in migration flows due to the country's worsening economic situation, which has been particularly visible among the poorer segments, both rural and urban.

This new migration stream is primordially oriented to Costa Rica, there are estimates of 450'000 Nicaraguans in the neighbouring country, looking for work and better salaries, since their own country cannot guarantee them the minimums required for survival for themselves and their families. This must be seen as a *household strategy*, where some family members emigrate to guarantee support for the family as a whole, and for this reason, more recent studies call these migrant populations *economic refugees*. The population is generally young, and the number of women has been growing. Their proportion doubled during the 90's and currently female migration has become a phenomenon as important as that of the men.

In Nicaragua, the causes underlying male and female migration are the same, and the greatest variations arise in the type of employment in the country of destination, where most of the women work as household maids. However, there are salary differentials and different types of employment. But the principal difference lies in the fact that when the male emigrates, he leaves behind a home that guarantees its reproduction through the mother, wife, or sister. To the contrary, when the women emigrate, they feel a deep insecurity for having left behind their family, and they suffer from this separation. In many cases, upon their return they must assume the burden of a family that has been dispersed both materially and morally, especially with reference to the sons and daughters, since they will have grown distant.

A majority of the migrants are pendular; they leave the country for several months, and then return to Nicaragua taking money for their families. In most cases, they travel without the required documentation, remaining in the receiving country under an irregular or illegal status.

This situation also generates a lack of labour rights for the male and female Nicaraguan migrants, so that on many occasions they have lower salaries than the locals, and above all, in the case of the women working as household maids, they suffer arbitrary treatment at the hands of their employers, both male and female.

In spite of the magnitude of the problem, which involves almost 20 per cent of the population as direct migrants, and the impressive impact of the remittances on the country's economy, migration as a topic is absent from the national agenda, both public and private. In general, it can be said that *there is no "Government Position"* towards the problem and its impact on the country's political, social, and economic life. There are neither specific laws nor Governmental policies and programmes related to the problem.

Some circumstantial and isolated responses can be found, when the issue becomes acute, particularly with regard to the relationships with the receiving countries. Some bi-lateral agreements with Costa Rica constitute one expression of this, in their attempt to regulate the migration movements of seasonal labour. Currently, these agreements are not in effect; furthermore, they are insufficient to offer an adequate and concrete response to what is actually happening. Their operationalisation implies a series of bureaucratic measures that, in fact, excludes a majority of the migrants. Finally, no follow-up has been provided for these conventions due to a lack of resources and adequate mechanisms. Recently, a draft proposal for a law was prepared with technical assistance at the national level and from the IOM, which will be sent to the National Assembly in the near future.

With regard to trafficking of persons, there is practically no official information, although different officials admit that Nicaragua is part of one of the Latin American corridors with the largest traffic in children and women, used in the trafficking of sex, organs, and illicit adoptions. There are no laws that focus explicitly on trafficking of children, or in general on the traffic in persons.

On the part of the Government there is no concrete political will to face the migration problem. An institution that has shown particular interest in the topic is the Office of the

Ombudsman (*Procuraduría de los Derechos Humanos*), which has promoted the Nicaraguan Forum on Migrations, the first public entity that brings together different stakeholders from the State and civilian society to discuss and develop actions on this topic. It is an institution that was recently established and may play an important role in heightening awareness and denouncing the problem, unfortunately, however, at the level of institutional jurisdiction, it will not be able to provide policy responses in this regard.

Furthermore, in civilian society, there are few organizations that have shown an interest in the issue, generally they have done so through specific interventions, and in a majority of cases in an uncoordinated manner. They have not been able to raise public awareness or mobilise public opinion in this regard. Among these initiatives, several are worth mentioning, especially those aimed at defending human and labour rights of migrant populations. There are also some efforts whose objective is technical and professional training for migrant populations and strengthening their awareness as subjects of rights.

The initiatives to coordinate efforts among the border municipalities to confront the problem at its source take on particular importance. These efforts seek to provide responses to the needs of the inhabitants so that the migration phenomenon will be self-limiting. Finally, although only incipient, it is important to point out increasing coordination among labour organisations in both countries in defence of labour rights among the migrant populations.

With regard to the possibility of reintegrating the returnee population into the country's economic and social life, in general, it can be seen that there is an absence of initiatives due to the high rates of poverty, unemployment, and underemployment characterising this type of population.

Introduction

Socio-economic context: Nicaragua, a country that needs to climb out of poverty

Nicaragua is a country of almost 5 million inhabitants, which has been classified in the United Nations Development Programme's Human Development Report as the third poorest country in Latin America after Guatemala and Haiti.

Nicaragua started off the 90's with a burdensome inheritance, as a country in a post-war situation with a partially destroyed and dismantled economy. Furthermore, it was one of the most indebted countries in the world, in relative terms; both the IMF and the WB classify Nicaragua as a highly indebted poor country.

Changes in the political economy carried out over the last few decades have taken place on top of a productive structure that has remained relatively constant; products exported by Nicaragua are basically the same ones that the country exported decades ago. More than 50 per cent of these come from the agricultural sector, which provides employment for 43 per cent of the economically active population (EAP)¹.

Notwithstanding the importance of the agricultural sector, Nicaragua still does not satisfy the food requirements of her population, and the economy depends to a significant extent on External Co-operation, which continues to play a very important role, representing 22 per cent of the GDP in 1998.

Finally, foreign investment is not targeted on this sector, showing greater favour for the services sector and, in industry, drawback industries.

With regard to the industrial sector, it is outdated and has undergone a process of involution, in contrast to the economy's informal sector, which has continued to grow. The energy, transportation, and communications infrastructures are inadequate.

The country's vulnerability in the economic realm can be seen in the excessive foreign debt, triple the GDP. The uneven nature of the balance of trade and payments, the scant diversification and volume of exports, and dependence on imported technologies and inputs, all limit possibilities for greater economic growth.

Finally, the economic changes carried out starting in 1990 have not been able to alter the level of poverty, which continues to be the greatest challenge for economic policy.

One of the major causes of this apparent contradiction is constituted by the tremendous social gaps that are an outcome of unequal access by the population to the benefits arising from the relative growth in the economy. These, in turn, reflect structural problems specific to the country: the deep social gaps between the rich and the poor and the countryside and the city, the regional imbalances that historically have favoured the departments on the Pacific slope, and the tremendous inequality of access to opportunities among the youth and those in the higher age groups. For women, inequalities derived from their gender status must also be added to the foregoing, particularly due to the subordinate position that they occupy in the family and the couple.

¹ Central Bank of Nicaragua, *ibid.*.

The high degree of income concentration represents one of the main expressions of these social gaps and one of the principal problems having a negative repercussion on the possibility of guaranteeing the welfare of the whole population. The unequal distribution of wealth impairs the dynamism of economic growth and blocks the resolution of the country's fundamental problem: poverty.

Although poverty declined in relative terms between 1993 and 1998, the tempo of this decline was less than the speed at which the population grew, so that the number of the poor increased from 2.1 million in 1993 to 2.3 million in 1998. The poor depend more on agriculture than the wealthy; this can be clearly seen in the Standard of Living Survey (*Encuesta de Nivel de Vida*), carried out in 1998, where it is shown that rural areas concentrate 67 per cent of the poverty in Nicaragua. On the other hand, extreme poverty has increased. Measuring poverty by a level of income method shows that the households in extreme poverty constituted 22.4 per cent of all households in 1996, but had increased to 35 per cent by 1999 ².

In this case, poverty also affects young women and adult women in particular. Almost 90 per cent of the population under 25 years of age, among whom we find the young women, adolescents, and young girls, subsist in living conditions below the poverty line ³. With particular reference to the households in extreme poverty, in 1996 the households with female heads of household represented almost one-third (32 per cent), and by 1999 this proportion had increased to 38.8 per cent of the poorest households ⁴. Another factor comes into play here, with reference to landholding by women. Forty-six percent of the households headed by women face problems for legalising their landholdings. The lack of a deed to their property impedes these women from access to credit ⁵.

In another realm, although according to official data there has been a reduction in unemployment, the gap between the cost for the basic "market basket" and the minimum wage has widened, and there continue to be high levels of visible and invisible underemployment. Taking the rural and urban EAP together, the informal sector includes 71 per cent of the occupied EAP, and in particular, it represents the only alternative for three of every four women who are unable to become gainfully employed in the more modern and dynamic sectors of the economy. It is also important to point out that 26 per cent of the workers in the informal sector are school-aged children and adolescents. One study on adolescent migration reveals a multi-faceted exploitation of adolescents between the ages of 12 and 17 in the labour force, both in Nicaragua and in Costa Rica ⁶.

The same gaps are found in educational levels, which are currently considered a fundamental factor for development. In primary education, in spite of increases in registration, the dropout rates continue very high, particularly in rural areas, and most particularly among the poorest segments of the population. Furthermore, it was possible to ascertain that the highest dropout rates occur among boys and girls with illiterate mothers.

² Fieldworkers Association (ATC, *Asociación de Trabajadores del Campo*). Women's Secretariat. *Situación de las mujeres nicaragüenses* (Situation of Nicaraguan Women). Managua, Sep. 2000.

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Cranshaw, Marta I., Morales, Abelardo. *Mujeres adolescentes y migración entre Nicaragua y Costa Rica* (Adolescent Women and Migration between Nicaragua and Costa Rica). Oct. 1998.

With regard to health, there have been several advances, a significant reduction in the infant mortality rate and a general improvement in the level of health care and sanitation. However, the nation's health problems continue to be severe and affect differentially the poorest and most vulnerable sectors, which suffer from the ailments and premature death caused by malnutrition and infectious and endemic diseases. In 1997, maternal mortality was 139 per 100 thousand live births, i.e., the second highest rate in Central America after Honduras. This is also due to the high number of children per woman, and in particular, pregnancies among adolescents, especially in rural areas. The total fertility rate, 4.4 children per woman, represents the highest rate in Central America.

The general deterioration in living conditions has two immediate effects. On the one hand, high rates of migration, from the countryside to the city and onwards towards other countries, a topic we will deal with more completely in the next chapter. On the other hand, a severe deterioration in community social values can be seen in the high rates of delinquency, especially among the youth.

General trends in labour migration and trafficking of persons

Causes of migrations

The basic causes of migrations over the last 10 years have been economic. The poor from the cities and countryside leave, "driven" from their country by the persisting and profound productive recession, scant jobs in formal sector enterprises, and a saturation of the urban informal sector niches serving as a refuge for thousands of male and female workers. Furthermore, the devaluation of small farmers' production and the development of a consumer culture, that leads the rural populations, above all, to seek remunerated work, instead of being dedicated to family-level production.

Thus, the population emigrates in search of satisfaction for their basic household needs. Effectively, even though the individuals migrate alone, without their family, it is a family survival strategy, which sends one or several members of the family abroad, to increase the household income through family remittances. This determines the characteristic of the **involuntary nature** of the migration streams, which differentiates them from traditional streams. Thus it is appropriate to consider these migrants as **economic refugees**⁷.

Differentials in development between countries, such as the case of Nicaragua and Costa Rica, which is reflected in wage differentials, where the minimum wage for Costa Rican workers in different sectors of the economy is threefold the corresponding wage received by Nicaraguan workers, is sufficient motivation to seek sources of income in the neighbouring country that are not available in one's own country.

On the other hand, in Costa Rica, an important segment of the productive sector depends to a great extent on the contribution of Nicaraguan immigrant labour, which covers the labour force shortages in specific productive sectors. Furthermore, the conditions under which this migration takes place, where a significant proportion of this manpower is undocumented, and therefore unable to claim their labour rights, further reduce the cost of these workers.

⁷ Pritchard, Diana. *Evitando el hambre, buscando oportunidades: Migración como respuesta familiar* (Avoiding hunger, seeking opportunities: Migration as a family response). UNDP, Nicaragua, 2000.

Finally, it is important to take into consideration that this emigration is also the result of a series of prior experiences, where women and men have migrated inside the country, where spaces are now closed to them, for the same economic circumstances, and because there is no further capacity to receive the increase in migrant populations in search of work.

In effect, in recent years internal migration has more than doubled. In 1990, the movement of agricultural workers amounted to 184,213 individuals, of whom 55 per cent were men and 45 per cent were women. By 1998, this had increased to 425,666 persons, among whom almost 50 per cent were women⁸. They tend to move towards the department capitals and the agricultural frontiers, which can no longer continue receiving this labour force.

Profile of the migration towards Costa Rica

There is a notorious absence of data on the number of migrants. There are few official or national instruments to measure these movements in a systematic and up-to-date manner. Furthermore, the characteristics of the most recent wave of migration, with a large number of undocumented individuals abroad, complicate the calculations in the countries of destination. In consequence, different sources handle completely different data.

The Nicaraguan Demographic and Health Survey (ENDESA, *Encuesta Nicaragüense de Demografía y Salud*), carried out in 1998 by the Nicaraguan Institute of Statistics and Census (INEC, *Instituto Nacional de Estadística y Censo*), provided estimates of 200'000 Nicaraguans outside the country, a figure that is clearly underestimated. The Survey asked the families if there were any family members living abroad.

However, if one adds the proportion of immigrants in an illegal status, which is particularly high in Costa Rica, the figures would be greatly increased. Many of these individuals migrate on a seasonal basis, according to harvest times or for short terms in temporary jobs, such as construction workers or household maids; and who, furthermore, are not considered emigrants by their families⁹.

The Estimates and Projections of the Population of Costa Rica (*Estimaciones y Proyección de Población de Costa Rica*)¹⁰ estimate at somewhat over 100'000 persons the net migration balance for the five-year period 1990–1994 and another 100'000 in the balance for 1995–2000. Nevertheless, published estimates in Costa Rica calculate the total number of Nicaraguans in that country at more than double this figure.

Computing those migrants legalised prior to February 1999 (130'000), plus those that presented their documentation for the amnesty decreed at that time (158'000), plus those that remain undocumented (160'000, according to an approximation), there are an estimated 450'000 Nicaraguans in this neighbouring country¹¹.

A similar number is estimated to be living in the United States, according to this country's official figures, these groups are concentrated in Miami and California.

⁸ ATC, Women's Secretariat. *Op cit.*, Sep. 2000.

⁹ Rosales, Jimmy. *Op. cit.*

¹⁰ Central American Population Programme (PCP, *Programa Centroamericano de Población*), University of Costa Rica. Statistics and Census Area of the Ministry of the Economy, Industry, and Commerce. May 1998.

¹¹ Pritchard, Diana. *Op. cit.*

Altogether, it is currently calculated that 19 per cent of the Nicaraguan population is living abroad.

Those that migrate to Costa Rica can be characterised as being, generally speaking, un-skilled labours, day labourers, small farmers, workers in the informal sector, and housewives.

A majority of these migrants are pendular, travelling several months, after which they return to Nicaragua to leave money for the family. They constitute a semi-hidden sector, which is not easy to locate and very vulnerable. In general they do not show themselves, even during those times established by the Governments for the periods of exception, proof of this is the relatively small number of dossiers opened. Among this population, those most affected are the children, the aged, and women. In general they move among the banana plantations, fruit orchards, and coffee farms.

There is also a migrant sector with some type of residency on a permanent basis and with a certain degree of job stability. They are the migrants that arrived some time ago, who have settled in the border zones of Costa Rica (Guatuso and Upala), where they carry out commerce in contraband merchandise. There are also migrants that have settled in the urban areas of the metropolitan area, who work in construction, as household maids, in security firms as guards, in commercial and tourism establishments, and in informal trade.

They tend to depart singly, to reduce the risks and costs of family reproduction. The infrequent appearance of children and the aged indicates the light dependency burden that this group bears.

Just as there has been an increasing migration of women inside the country, there has also been a constant increase in women in these migration streams. Official statistics, in addition to being insufficient, do not report data broken down by gender. However, all of the studies carried out with regard to this phenomenon come to the same conclusions. In recent years, female migration has become as significant a phenomenon as that of men.

The number of households with female members abroad doubled between 1992 and 1998¹², 46 per cent of those applying for the recent migration amnesty in Costa Rica were women¹³. It is a regional trend¹⁴. These are women coming from the poorest households, with the least education, many of whom are from rural areas¹⁵.

The ages of the migrants are concentrated between 15 and 30–40 years of age, i.e., the working ages. If one compares the migrant population with the non-migrants, a more uniform age distribution will be found among the non-migrants. Among the migrants, 74 per cent fall in the working ages, while among the non-migrants, only 39 per cent fall in this group. Among the migrants a high number are under the age of 15¹⁶.

This abundance of the youthful sector of the population is due principally to the high general unemployment rate, combined with the feminisation of poverty, family disintegration, and a lack of access to education among poor adolescent males and females.

¹² Agurto, Sonia. 1999.

¹³ Morales *et al*, 2000.

¹⁴ *Proyecto de Estado de la Región* (State of the Region Project), 1999.

¹⁵ Cranshaw y Morales, 1998.

¹⁶ Rosales, Jimmy. *Nicaragüenses en el exterior* (Nicaraguans Abroad), INEC/FNUAP, Nicaragua 1999.

Among these youths, many are women. The contribution of female adolescents is fundamental, particularly in gathering crops and other post-harvest activities, such as processing and packaging products.

With regard to educational levels, this varies by destination. According to ENDESA, there is a concentration of no schooling and primary education among those in Costa Rica (61 per cent) and Honduras (72 per cent), to the contrary, the population migrating to the United States has more education, with secondary education (53 per cent) and even higher education (22 per cent)^{17, 18}.

Academic levels of the Nicaraguans in Costa Rica are substantially lower than in the United States, with greater percentages of incomplete primary education. However, the percentage with secondary studies is similar to the corresponding percentage for the Costa Rican population (25 per cent incomplete high school and 12 per cent completed high school). The academic level of the Nicaraguan immigrants to the United States represents a social burden for Nicaragua, since the country is training a skilled labour force that leaves to work abroad.

Other studies have shown that the higher educational levels, such as technical and university, are made up mostly of men. At the primary schooling level, women predominate, 5.6 per cent in the 4th to 6th grade range, whereas the men represent only 2.1 per cent¹⁹.

Living conditions of Nicaraguan migrants

Having analysed the characteristics within which the migration processes occur, particularly towards Costa Rica, it becomes necessary to consider how these characteristics determine the living conditions of the migrant populations.

One of the determinants of their living conditions is that in a majority of cases, the migration process occurs in the absence of the necessary migration documentation, thus, the corresponding authorities have not authorized their stay in the receiving country.

Those leaving the country for Costa Rica as emigrants make the journey by various routes, where the border zones around Rivas and the San Juan River stand out. There is another type of migrant, those applying for a 72-hour border permit, which allows them to reach Liberia. From there they proceed to evade controls and remain for longer periods, falling into the category of illegal migrants.

The alternative of obtaining a legal residency is not accessible for a majority of Nicaraguans, since obtaining a temporary permit requires the possession of a valid passport and the deposit of US\$100.00. The high cost of the passport, more than US\$60.00, the bureaucratic procedures required to obtain it, and the fact that many individuals, especially in the rural areas, do not have birth certificates (because they were never registered or due to the disorganization of institutional records), hinders Nicaraguans in any attempt to legalize their status as migrants.

Furthermore, once they are in the neighbouring country, the possibilities of obtaining legal residence depend, in addition to the foregoing, on having first-degree relatives that

¹⁷ *Ibid.*

¹⁸ The study does not include data broken down by gender.

¹⁹ Pritchard, Diana. *Mujeres y remesas* (Women and Remittances). UNDP, 1999.

are residents there and having a permit to work in seasonal activities, according to the agreement between the two countries. In the case of maids, they require a temporary permit, for which their employers must make a prior deposit of US\$100.00. This latter method is not used frequently, since the maids consider this option leaves them defenceless at the hands of their employers, due to the US\$ 100.00 they have invested in the maids.

Finally, in a majority of cases, the employers themselves prefer to contract undocumented individuals, since this allows them to pay lower salaries than those established by law, additionally, they can avoid paying their social benefits, among others.

The insertion of these populations in Costa Rica occurs in un-skilled or only slightly skilled activities, even by those individuals with certain academic or professional levels, who undertake jobs that do not correspond to their prior training.

The table on the following page indicates that the highest percentage, 30.36 per cent, consists of service workers, a great majority of whom are maids, they are followed by the farmers, at 29.50 per cent, particularly those working in the banana industry, as well as during harvest season on the coffee farms and sugar cane plantations, and skilled and semi-skilled workers, at 16 per cent, a majority of whom are employed in the construction industry. It is worth noting that several of the usual sectors of migrant insertion are undergoing a recession, these include agriculture, the banana industry, and construction, so that during the 90's there has been a decline in the percentage working in agriculture, while service sector insertion is increasing, principally due to growing female participation.

Generally, the jobs are low-skill, if we take into consideration that a majority of the migrants are undocumented, we can be certain that the proportion of un-skilled labour will remain stable or increase.

Occupation in Costa Rica, 1999	Percentage
Professional and technical	1.00
Clerical and similar	0.88
Commercial and sales	1.88
<i>Agriculture, fisheries and others</i>	29.50
Transportation workers	1.00
Craftsmen and semi-skilled	16.00
Manual labourers	2.25
<i>Service workers</i>	30.36
No data	17.13

Source: Morales (FLASCO, 2000) sampling of the migration amnesty applications, 1999.

Migrants enjoy few or limited labour rights, and on many occasions, especially in the case of the maids, there is evidence of arbitrary treatment on the part of the employers. Many times the employers take advantage of the lack of documentation in this population to increase their work load, especially among the women from rural areas or younger women coming from poorer homes and lacking in basic education, who find their only option to be domestic service. These women, in view of the lack of a perspective of occupational mobility or the possibility of training, find their personal and professional development totally impeded.

The legal situation of the migrant population, mostly undocumented, has a bearing on their earning capacity, since they have to carry out jobs with salaries that are below the standard minimum values existing in the receiving countries.

These populations must subsist in conditions of vulnerability within their material, legal, social, and psychological frameworks. For a great majority, the situation of “being illegal” generates uncertainty and instability; they lead a life of fear at being discovered. They find it impossible to request police protection or that of other institutions in the face of any situation of labour, physical, or other kinds of abuse. This situation bars them from enjoying the educational and social security services available to the rest of the populace.

In general, all migrants are submitted to some degree of ethnic prejudice, and Nicaraguans in particular in Costa Rica, where they constitute the dominant national ethnic group among the immigrants, are discriminated against and socially sidelined.

A recent study calls the living spaces of the Nicaraguan immigrants “rabbit warrens” (“*conejeras*”). These consist of narrow shacks full of people living jammed together, as though they were in matchboxes, and their “yards” become their living room where they pass most of their days. In these spaces, the Nicaraguans provide shelter for their compatriots, providing them food, loaning money, exchanging jobs, caring for their children, and even interchanging clothing²⁰.

The conditions of vulnerability vary depending on the age, gender, sector, and place of employment. A majority of those working in the construction industry report better living standards, while in some rural areas, the migrants suffer shortages in meeting their basic needs, since generally they fit into those places where the poorest populations in Costa Rica live.

The conditions for domestic help are similar or more difficult due to the arbitrary nature of their labour relations, from an over-long working day to the wages they earn.

The lack of a “regular” migration status among the migrant population frequently generates a “hunted” behaviour, due to discrimination or because they are the indirect victims of ethnic or national aggression, and they look on themselves as individuals without rights. Women, particularly, resent the insecurity and fear produced by xenophobia and machismo.

With regard to migrant children, 20 per cent remain outside the educational system, because they lack documentation, because they are cyclical migrants, or because they have been prematurely employed.

Trafficking in women and children

The problem of trafficking of adult and adolescent women and girls is an emerging topic in Nicaragua. It is still untouched in terms of research. According to the results obtained from recent studies²¹, it can be seen that the existing information on the manifestations of this traffic is both poor and imprecise, and to date, there are no known

²⁰ *Diario La Prensa*. 27 Apr. 2001.

²¹ (a) Medrano, Danilo. *Violencia y explotación sexual contra niños y niñas en América Latina y el Caribe, el caso de Nicaragua*. (Violence and Sexual Exploitation against Boys and Girls in Latin America and the Caribbean). Instituto Interamericano del Niño. 1999. (b) Madriz, Adolfo. *Explotación sexual comercial de niñas, niños y adolescentes en nueve departamentos del país*. (Commercial Sexual Exploitation of Girls, Boys, and Adolescents in Nine of the Country's Departments) 1999.

studies or diagnoses of this problem. It is worth mentioning that the first obstacle appearing in the search for information is that the issue itself has not been sufficiently highlighted in the discussion agenda among public and private stakeholders in Nicaraguan society.

The police keep statistical records referring to overall missing persons reports, without being broken down into age-sex categories. The ages registered do not strictly correspond to the categories of boy/girl (0–12 years) and adolescents (13–18 years), so that it is not possible to indicate precisely how many missing persons fall in these age groups. However, according to the data available, those under age 15 represented 50 per cent and 61 per cent of those reported missing in 1997 and 1998, respectively. With regard to the disappearance of females, also recorded on an overall basis, in 1997 they represented 48 per cent and in 1998 52 per cent of all disappearances²². In absolute terms, according to the data provided, seven of every ten persons reported missing are less than 20 years old.

Other sources suggest that the figure for disappearances could triple the figure reported by the National Police. The Nicaraguan Foundation for Missing Children (FUNDENIC, *Fundación de Niños Desaparecidos de Nicaragua*) reports that the number of missing boys and girls in 1997 was 610. According to the records kept by this organization, the disappearances occurred mostly in León, Chinandega, and Managua.

The data provided by different members of the printed media (*La Tribuna*, *El Nuevo Diario*, *La Prensa* and *La Noticia*) reflect the official positions expressed by spokespersons from the Foreign Ministry of the Republic of Nicaragua, the Ministry of Labour, Migration and Alien Status, and border commanders, who indicate that they know of many cases of adolescent women and girls reported missing, kidnapped, or with problems of documentation, drug addiction, and prostitution.

These officials admit that in Nicaragua trafficking of women and children does occur: “first of all along the El Salvador / Guatemala route, where young and adolescent girls are taken for sexual traffic and second, the Costa Rican route, which is more frequently used in cases of parents in conflict over child custody, and this is how they separate them from the other member of the couple”.

In particular, with regard to trafficking of women for prostitution, officials who were interviewed from the General Directorate of Migration and Alien Status are aware that this traffic exists, although they have no concrete data, except for some affidavits, one of these from a prostitute denouncing that the destination of these girls is Guatemala City and its brothels, like the one known as “*El calzoncito*” (the “Panties”).

They add that there are at least nine of these locales. The most commonly used practice is that of inveigling (“*enganchar*”) the girls with deceptions, telling them that they will be going to an Art Academy in Mexico, to prepare them to be artists or models. They are taken to Guatemala, where they are prepped, by giving them lessons in public relations and how to dress, etc. They all travel with C4 Convention permits, and when their 30-day period is up, they are declared illegal and under threat they are forced into prostitution. When they begin to earn money, they send it to Nicaragua, but use a Mexican return address, so that their family members will believe that they are in that country.

The communications media have denounced domestic trafficking for sexual exploitation. With regard to the trafficking of women and adolescents toward Guatemala, in June 1999, *Diario La Prensa* published an extensive report on a group of girls that was

²² Quintana, María Esther. *Anuarios Estadísticos Policía Nacional* (National Police Statistical Annuals) 1997, 1998, 1999.

recruited by two Guatemalan citizens, supposedly to work as models and guides. The paper was able to verify that, in fact, the young girls were being sexually exploited in a bar called “*El Barón Rojo*” in Zone 4 of Guatemala City.

During the same month, *El Nuevo Diario* published declarations by Dr. Anabella Noriega, Legal Counsel to the Guatemalan Office of Women’s Affairs (*Defensoría de la Mujer*), who denounced that in Guatemala there was a child trafficking network tied in with narcotics trafficking. According to this official, armed subjects roam the streets picking up girls aged eleven or more, they are forced to take drugs, then prostituted. Dr. Noriega went on to say that in the “*Le Club Show Internacional*” and “*El Barón Rojo*” in Zone 4 of Guatemala City, there are young girls that have been taken there from Nicaragua, El Salvador, and Honduras.

Journalistic sources²³ report on similar prostitution practices in the bars and popular eateries of Costa Rica, towards which the “young coyotes” along the border entice the young girls with deception. They are told that they will have waitressing jobs, and, indeed, they begin that way; nevertheless, they are held under a prison-like regime and later forced into prostitution. This situation has been confirmed by affidavits and on-site police checks. One example cited is the accusation presented by a young girl, who escaped from one of these locales with the aid of some customers. Upon arriving back in Nicaragua, she denounced her situation to the corresponding authorities (Attorney General’s Office, Police, Courts, and communications media). To date, she has not received any response. Furthermore, the coyote was captured, but since there is no law to punish these individuals, he was out on the street again within a week.

Trafficking of women and children for sexual purposes is intense in the border zones and along the highways leading to Honduras and Costa Rica.

In this regard, in June 1999, *Diario La Prensa* published a report prepared on the basis of a survey carried out among 46 adolescents whose average age was 16. The article indicates that there are suspicions of child-oriented sexual tourism in Maschapa, Pochomil, and Granada. According to the newspaper, in several sites, the girls that are involved in hawking as street vendors could also be undergoing exploitation as prostitutes by the truckers going through the border crossings at Sapoá and El Guasaule.

Other situations related to this purported internal sexual trafficking have been reported by the National Police, where Managua’s Police Chief advised about the growing presence of girls and boys (especially the former) aged between 11 and 14 years, who sell their fragile bodies for a little bit of money. According to the official interviewed by the media, young girls from other parts of the southern Pacific slope, such as Nandaime and Granada, are arriving in Rivas. Two girls that were interviewed indicated that they have become prostitutes for the money. The report indicated that the girls and boys move along the sector of the highway where there are many bars and brothels, which are frequented by the truckers en route to Costa Rica.

The western zone of the country has also been mentioned as a point where sexually oriented trafficking is occurring. Members of the National Commission for the Eradication of Child Labour (*Comisión Nacional de Erradicación del Trabajo Infantil*) reported to the media that young girls from different points around the country are being taken to the area between León and Chinandega, towards the highway leading to El Guasaule, where they are sexually exploited by adults that “sell” them to truckers travelling the Pan-American Highway. The girls are sold for 30 to 60 dollars a night. They are kept in the brothels for a

²³ Rosales, Juan Ignacio. *Diario La Prensa*.

period of two weeks and then returned to their places of origin. Others may be transferred to Honduras with the offer that they will be studying there.

In a similar fashion, there are reports of an organised band moving among the different countries in Central America, dedicated to trafficking young girls and boys towards the United States. The regional representative of Covenant House (*Casa Alianza*) has pointed out cases of Americans that have been accused for the illegal transfer of boys and girls towards that country for sexual exploitation.

Authorities from the Office of Childhood and Adolescent Rights (*Procuraduría de los Derechos de la Niñez y Adolescencia*) have indicated that Nicaragua is part of one of the Latin American corridors with the heaviest traffic in adults, boys, and girls, who are used for sex, organ, and illicit adoption trafficking to European countries with low birth rates.

Needs and concerns of migrant labourers

Household survival strategies

First of all, we must ask why women emigrate. In order to delve a little more into the motivations and the way that the decision to work in Costa Rica is made, we will take into consideration testimonials from women making that decision, together with testimonials from those that have returned.

The motivations are the same. In their hometowns they cannot find work, every once in a while an odd job (*“rumbito”*) appears, but the few jobs available are insufficient to allow them to maintain their families. As maids they earn between US\$35.00 and US\$60.00; in comparison, a teacher’s salary is around US\$60.00.

For a young woman aged 17, departing for Costa Rica is also a way to flee from a dysfunctional marriage.

“My husband doesn’t want me to go, but I’d rather go than hang around here and fight.”

Those that are thinking about going for the first time are full of fears.

“Here, all we get are confusing stories, some say good things and some bad things.”

“I’m afraid of crossing the border as an illegal migrant, and that I might be raped.”

Some are unable to decide, because their household situation won’t let them,

“I want to go, but my mother is ill and I can’t leave her,”

or for fear of leaving their children, since they know, from their own experience, that the children suffer when their mother is far away.

“I’m afraid to leave my daughters, because I remember how much I suffered when my mother left.”

In a majority of the younger cases, working as migrants is a part of history that repeats itself. When they were little girls, their mothers left and the grandmother or some other family member took care of them, now it is they who leave their children in their mothers’ hands.

Going to work in Costa Rica is now a part of a strategy known as “family survival”.

“I’m old now, so it was my daughter that left, and I’m taking care of her children.”

“My sister and I, my children and her children, six of us in all, went together. But there wasn’t enough money to maintain them there. We decided that it would be better if my sister stayed and I returned to take care of all of our children together.”

“My elder daughter here takes care of everything. I made an agreement with the store so that they give her everything on credit on a monthly basis, and at the end of the month I send the money.”

“We have a little plot, we plant beans and with what they send from there, we manage to get by.”

In a majority of cases, the women from these municipalities go to work as household maids or as hotel or restaurant workers, they obtain work through their family or neighbourhood networks. Sisters, friends, neighbours having come home for vacations report on job opportunities; in some cases, it is the husband who went ahead that sends for them, in others they get recommendations from prior employers.

Most of the returnees, who are still able to work, are in Nicaragua merely visiting and plan to leave again. Only some of them have decided to stay, because, within the domestic survival strategy, daughters or sisters will substitute them, or because they are unwilling to put up with the kind of life they led in Costa Rica. One of them indicated that it was due to her advanced age, she was 75; others said they returned because they could not put up with being so far from their children, due to the mistreatment received at the hands of their employers, or due to their insecurity and fear, especially while they were in that country illegally.

Finally, whether it is a case of a first time migrant or of the returnees, their motivation is the same, i.e., a search for a survival strategy. In this sense, the women express that it is important for the Government to take into account their unsatisfied needs, creating job opportunities and setting a minimum wage in accord with the cost of living.

In the case of the men, the problem is similar, their motivations are the same, they can’t find work in their communities and, moreover, the wages in Costa Rica are much higher than what they can earn in Nicaragua.

To guarantee their survival and that of their families, most leave for a period of time, as seasonal workers, some keep a plot of land in Nicaragua where they raise basic food crops during the rest of the year in order to feed their families.

In the search for work in Costa Rica, once again it is the family network that intervenes, brothers, in-laws, etc., who are already working in Costa Rica.

The need to legalize migration status

There are many ways to go, but basically they boil down to two: legally, by public transportation, or illegally, on backcountry paths.

Those who do so “legally”, in most cases travel with border-crossing permits as far as Liberia, and then continue on elsewhere to work in domestic service (maids, laundrywomen, cooks, amahs, etc.). Sometimes the employers interested in retaining their services will advance some money for them to obtain their papers; nevertheless, this is

insufficient, and they have to borrow money from their family or relatives, or find alternate responses for an immediate answer on how to provide food for the family from some source until they are able to begin sending money.

“I went by bus to Granada. There we took a boat to San Carlos, the trip lasted all night. The next day we got a dinghy as far as Almíbar, and then after walking for about an hour we reached a friend’s house. We stayed there very quietly so the guard wouldn’t hear us. At four in the morning, we left for Upala by bus, and then we took another bus for San José. The bus stopped and a guard got on. We were afraid. One man said to us, ‘come with me, the guards know me’.”

“We took 2 days on foot, we walked at night and hid by day.”

“Two of my girlfriends went overland at night. When they reached Cárdenas, the man that was guiding them and the guard knocked them down and wanted to rape them. They had to come back.”

Some of them have been captured by Migration and detained.

“When I left, I was 16 years old, we went overland, but Migration caught us, and they took us to a shelter. My relatives paid 5000 colons per person and they gave us a provisional permit.”

In every case they must pay out significant sums of money, for the coyotes, to the bus drivers, or the guards to ignore their presence. They figure that they need 120 dollars. Most of them must borrow money to make the trip.

Once they reach their destination, their problems do not end, for even those that have travelled legally have visas and permits that are issued short-term. The tourist visa is good for a month, so that they must make a monthly payment to renew it. The residency card (“*cédula*”) costs 14’000 colons (about US\$45.00). Many who could be legal prefer not to spend so much on the residency card and visa renewals. In some cases, their employers assist them in getting the residency card.

But even having all of their documents in order, they frequently prefer to return as illegal migrants to avoid payment of the migration costs.

“To save my pennies, I went overland. On the way we ran into a man that charged us each 1’000 colons.”

When they do get the Costa Rican residency card, they do not use it on returning to Nicaragua, since the Costa Rican guards rip them up at the border so that they can’t come back into the country.

Summarising, the documentation issue is a complex and contradictory one, and even with all of the difficulties that arise for mobilising without documents, there is a constant “cost - benefit” comparison, since having the documents means assuming certain costs in terms of funds and bureaucratic transactions, which not all of the female migrants are capable of managing.

The same occurs with the men. Some have passports and residency cards; others cross the border as “wetbacks”.

“It takes me three days to reach Puntarenas. I go along the Río Mena, Santa Tecla, Upala, Birmani, I get off there and walk to La Libertad, I take a bus to Aguas Claras, another to Bagazo and finally another to Puntarenas. One time I got lost on this route. Migra checks the buses in all these zones. If they catch you, they take you to the jail in

Liberia; they do not exactly put you in a cell, but in a big hall, where you'll find a bunch of Nicas, all in the same situation. That's where they fill out the "refusal of entry" papers and put you back on a bus for the border."

Thus, they deal with a similar situation to that told by the women, with the difference that they do not feel the burden of the fear of being harassed or attacked, due to their gender condition.

An attempt is being made to have the authorities recognise and legalise this type of migrations, with their seasonal character, to avoid the risks and abuses that these individuals must undergo, particularly the women, who must suffer sexual blackmail on the part of the coyotes and border authorities.

Working conditions

Most of the women indicate that they earn or earned good wages, in contrast to Nicaragua, where they are very low, especially in the rural areas (between US\$25.00 and US\$30.00). In Costa Rica they earn from US\$100.00 to US\$150.00 per month.

They work a lot to save money:

"I worked in a tourist hotel on this side of Liberia, I cooked, washed, made tortillas. My day started at four in the morning and ended at 10 at night."

"I worked four years in a private home, they treated me well, but they didn't pay me fairly, they gave me 20'000 colons a month. Afterwards, they increased this to 60'000, but it was a lot of work, from 7 in the morning till 10 at night. Sometimes, when the lady of the house had a bad day outside the house, she would come home and take it out on us."

Due to their illegal condition, they do not have access to health services. If they get sick, they must depend on the employer's good will.

Even though they are well paid, since they do not have their legal documentation, the people that contract them take advantage of them and make them work overtime. Furthermore, they have to stay in the houses on their free days out of fear of being caught and deported.

There have been cases of unjustified dismissals or non-payment of severance pay and social benefits, and without documents, there is no one to whom they can appeal.

Other times, even with their legal documents, they do not have recourse to the Ministry of Labour out of fear, inexperience, or lack of funds for all the steps to be taken, additionally, the employers hire a good lawyer and after all is said and done, end up winning.

None of them are aware of the country's labour laws, nor the rights that they have as workers. In general, they are unawares of any organisation in the country that might aid them. Only one of them knows of the Household Workers' Association, which helped her get her full severance pay. She found out about it through her mother-in-law, who works for some attorneys. Another one knows about the Technical and Professional Institute of Calle Blancos, since her sister is taking remedial academic courses, and is paying 1'500.00 colons per month. They do know that the UNHCR has dormitories in San José, and they charge 300 colons per night.

In general, they all share a feeling of helplessness

“There’s no one there to protect you.”

From the moment that they become migrants, they lose any right to citizenship, they are unprotected persons; they neither know nor claim their rights. These women must face alone all of the problems and contradictions that they have as migrants, including disrespect for their rights as persons and workers.

We should mention the case of a woman who has been travelling for 20 years, and almost all of whose family, husband, and two married daughters live in Costa Rica. She is comfortable there, is a resident, she moves around as though it were her country, goes in and out and comes to Nicaragua on vacation.

Generally, once they are in the country, the lack of legal documentation places these women in a state of defencelessness with regard to their labour rights, and denies them access to services. This situation becomes critical due to the type of work performed by women, i.e., domestic help, where the control of the country’s authorities is more difficult with regard to wage levels, working hours, and social benefits.

In this case it is important to strengthen the existing associations in the country that defend this type of worker, and for them to be known and recognized among the migrant women.

In the case of the men, there are several differences that are important to point out.

First of all, in a majority of cases they are in seasonal jobs. Some go for three to five months a year, for the “*zafra*” (sugar cane harvest) and the periods of the coffee harvest. Others travel two or three times a year, working in artisan fisheries in Puntarenas, in the banana plantations in Limón, and in construction in Cartago.

“Ingenio Taboga (a sugar mill) sends buses to pick up as many as 1’500 men for each harvest, and it gives them a four month contract, in the contract they take care of the documentation or working permit for these people. It is hard work and not every one is cut out for it.”

In only one case did we find a man who had been working for three and one-half years as a watchman in Alajuela.

Generally speaking, their wages are higher than those of the women, since they go from a minimum of 60’000 colons to a maximum of 120,000 (approximately US\$200 to US\$400), and in a majority of the cases, their working conditions are more completely regulated than those of the women in maid service, due to the very visible nature of the work they perform.

For the men, working conditions are also very hard, but they say that it doesn’t affect them since that is what they are there for.

One of them commented that his employer was very understanding, since he allowed him time off every month.

“I work 15 days during the day and then 15 days at night, and at the end of the 15 nights, he would give me two days rest.”

Similar to the women, with regard to the issue of their rights, no one was able to mention an experience when they had recourse to protection and/or the exercise of their rights.

“You have no protection, everything depends on the friends you make there.”

In general, they have no knowledge of any institution that can help them; they also refer only to the UNHCR.

“On one occasion, when I couldn’t get through, because the Limón highway was blocked, I had to find a place to sleep in San José, and I found a UNHCR dormitory, where you can spend the night for 300 colons, which was much less than what any hotel charges. The dormitory was full of Nicas.”

Living conditions as migrants

The in-country stay is more difficult due to the same conditions of illegality that most of the women live under. Many do not even dare leave the house where they work for fear of being discovered.

“My employer told me, ‘now that your visa has expired, you aren’t going to go out on your day off any more, I’ll pay you for it, and you’ll only go out with me so that Migration won’t catch you’. I really didn’t have anywhere to go anyway.”

“When you do not have a visa, if you go the La Merced Park (in downtown San José), that’s where a bunch of Nicas meets, and Migration also has roundups there frequently.”

They live with the fear of being deported.

“If you get deported, you do not even have a chance to go and get your clothing.”

The women working as sleep-in maids are practically shut-ins, especially the older women, for reasons of fear and economy. When they work as day maids, their conditions can be even worse, because, in order to save on their housing costs they live in truly overcrowded conditions.

“I worked as a cook and my husband as a guard, I worked days and he nights. We lived in a tiny room and shared the toilet with a whole bunch of families. In spite of this, we were always in debt with the corner store.”

Most of them are not knowledgeable about the city where they work, they feel totally uprooted, and in a hostile milieu.

“I’m afraid of being in San José”

“There’s so much delinquency, gangs, debauchery in the discotheques, I do not feel safe like I do in my country.”

“You suffer a lot. I got sick, I fought with everyone, because they treat you like a worthless Nica, dying of hunger.”

“You’re over there, but it’s as though you were still here, you are wondering all the time, thinking about what is going on here.”

“My mother suffers a lot, she cries on the phone because they treat her badly.”

But the most difficult aspect is family separation, since the children are left behind, because with a family the reproduction costs would be too high.

“If a woman goes with her kids, she won’t have anything left.”

"You can't take your kids, because there is no way to care for them, and there is a lot of delinquency over there."

"The hardest part is leaving the children behind, you really get homesick, you really cry a lot because of it."

"The idea that my kids were here was driving me crazy, they could get involved in gangs or in drugs."

"My mother wanted to come for Holy Week, but she didn't have enough money because she works as a day maid."

The children also suffer from the absence of their mothers.

"When I came back, the kids were resentful of me."

"The saddest part is when the mother leaves; I suffered a lot, we stayed behind with our grandmother."

Men refer to this aspect less. Certainly the fact that they are seasonal helps them feel less the separation from their country and their families. In fact, the only man within the group that was in Costa Rica for more than three years on a continuous basis, like the women, expressed his suffering from being so far from his home.

"I came back to Nicaragua because I was very alone and sick."

They can also suffer family break-up as a consequence of the separation.

"The women also leave the men when the latter emigrate, it isn't just the men that abandon the women."

However, in general, they show that they are able to handle themselves more easily in the Costa Rican environment. Most of them are able to establish friendships that they relate to like an important point of reference for their stay and work.

"Even though I had no documents, I was able to get a job through the friendships that I made with Ticos (Costa Ricans) in Puntarenas."

Remittances

Almost all the funds that they earn they send to their children/families, which only serves to guarantee the survival of the latter, primordially through food. Part also covers school and health expenditures for the children. In a few cases, they are able to purchase a pig or a calf.

Generally they send the money to a woman, the mothers, the older daughters, and they write to them saying what it should be used for. Frequently, when they get a little bit of money together, they return and when it runs out, they have to leave again, due to the lack of opportunities that they must face in the country.

Whenever they come back to Nicaragua, they come to resolve some problem or other: they find that clothing and shoes have been lost, the house needs to be fixed up, things are out of control, and often the families have wasted the money on unnecessary junk. They do not trust sending the money to their husbands.

"My husband was taking care of the house. But it was terrible to come back to, the place was like a crazy house, clothing and shoes were lost."

"It's a situation out of control. My mother sent 100 dollars a month, but my father spent all of it. Only now, since I've moved into my mother's house and take care of my brothers and sisters has the situation gotten under control."

Advantages and disadvantages with regard to age and gender

Between the older and younger women, they point out that the situation is more advantageous for the younger ones, since they are stronger, because they tire less easily, and bear better the heavy work they have to do. At the same time, however, they are at greater risk because they are more vulnerable and want to go out more often. Thus, they go to the discotheques more often and find themselves wrapped up in deceptions.

As compared to men, the women are more likely to find jobs, even though these are only as domestic help, they spend less on their own reproduction, since they usually live in the homes where they work. However, their wages as maids are lower than the wages the men can earn working as guards, in construction, or in agriculture, and they also have fewer social benefits.

The men move more easily in the Costa Rican milieu and have made friends, while the women, especially the maids, live an almost cloistered life, and make few friends.

But the biggest difference lies in the fact that when the man emigrates he leaves behind a home whose reproduction is guaranteed through the mother, wife, or sister. The women, on the other hand, when they migrate are profoundly insecure precisely because they have left behind their family, they suffer because of this separation, and in many cases, upon their return, they must assume the burden of a broken family, both materially and morally, especially with regard to the sons and daughters, because the mothers had been separated.

I. Legislative framework

1.1. Conventions, accords and bilateral agreements

The migration issue has been a topic of discussions in the Central American President's Summits since 1987, within the framework of the regional Peace process. As a result of the agreements adopted, the authorities in each country have been urged to seek a homologous migration legislation, establish a common format for passports and migration control documents, set up a region-wide computerised information system for migration control, and simplify procedures for facilitating individual mobility and the intra-regional trade in merchandise.

Within this framework, agreements and bilateral conventions have been signed between Nicaragua and Costa Rica; the Government of Costa Rica has also issued unilateral decrees.

During the administration of President Rafael Angel Calderón, 1990–1994, two “Periods of Exception” were opened, and 87’000 Nicaraguans made use of these opportunities

In 1993, the Ministries of Labour of Nicaragua and Costa Rica signed the Convention on Migrant Labour (*Convenio de Mano de Obra Migrante*), in order to regulate the seasonal labour that migrated to the latter country during the periods of sugar cane and coffee harvests, in particular. To date, its impact has been minimal with regard to the intensity of migrant flows.

In November 1995, the two countries signed a *Framework Accord*, whereby the access of aliens / seasonal workers is regulated, by means of the so-called Alien Seasonal Work Permit (*Tarjeta de Trabajo Estacional para Extranjeros*)²⁴, which was aimed at eliminating discrimination and unfair competition caused by the increased labour contracting among the Nicaraguan population that enters Costa Rica, and allows temporary labour by foreigners to be structured.

On this occasion, the Government of Costa Rica indicated that “the increasing arrival of aliens on national soil, in an illegal status, and without control, in some cases causes unfair competition for Costa Rican workers, as well as disadvantages for the migrant workers who cross over onto Costa Rican soil on a day by day basis”.

The governing principle in this convention was social justice and equity. The Nicaraguan workers were provided with a seasonal work permit. In practice, this was held by the Costa Rican employers, leaving the Nicaraguans without any document that would protect them during their stay in country, furthermore, once the term of the permit had expired, they became illegal and found themselves in a totally defenceless state.

During this period, the Costa Rican employer who desired to contract Nicaraguan labour had to carry out a series of steps with the Costa Rican Ministry of Labour, promise to pay round-trip transportation, insure decent housing and wages in compliance with the law, and at the same time, carry out the corresponding procedures with the Nicaraguan authorities.

²⁴ *La Gaceta*, No. 141. 26 July 1995. *Reglamento para el otorgamiento de la tarjeta de trabajo estacional*. (Regulation for granting a seasonal work permit).

All of the foregoing implies an involved and drawn-out process for the different steps, so that the Costa Rican employers have abandoned this practice and currently prefer to contract individuals without the proper documentation, through intermediaries from both countries. This allows them to avoid the procedures and as a consequence, pay wages below the levels established by the law, as well as not paying the social benefits.

In 1997, a new *Bi-National Agreement* was signed, which established a lapse during which thousands of Nicaraguans might obtain their seasonal work permit, with special passports. The Government of Costa Rica pledged to extend from six months to one year the duration of the Seasonal Permit and to suspend mass deportations of those individuals that had a job in Costa Rica. For its part, the Government of Nicaragua pledged to grant special passports to allow its citizens to apply for their work permit from the Ministry of Labour of Costa Rica. At that time, more than 50 thousand Seasonal Work Permits were issued.

At the end of January 1998, the Nicaraguan Embassy in Costa Rica had issued 2'000 special passports for this type of permit to Nicaraguans then in that country. However, a majority of the Nicaraguan labour force was unable to seek coverage under this bi-national agreement, due to the burdensome bureaucratic procedures in both countries, particularly in Costa Rica.

The *Migration Amnesty, Decree of 9 December 1998 (Régimen de Excepción Migratoria)* issued unilaterally by the Government of Costa Rica, whereby an opportunity was granted to all individuals coming from any Central American country, who had been in Costa Rica before 9 November 1998, in an irregular situation, to normalise their migration situation, in order to avoid deportation and a consequent worsening of the current situation in the region. Besides granting them the opportunity of acquiring documents, the measure also sought to ensure improved labour insertion conditions for this population and the possibility of enjoying the concomitant social benefits of their jobs, as well as those of health and social integration.

During the registration period, 150'000 Nicaraguans, 97 per cent of the persons registering, proceeded to legalise their situation in that country.

CA-4 Agreement. During the 14th Extraordinary Session of the Central American Commission of Directors of Migration, OCAM, held in 1997, the *CA-4 Agreement* was signed by the Governments of Guatemala, El Salvador, Honduras, and Nicaragua, with the goal of facilitating inter-country movement, without a passport requirement, utilizing only a safe conduct pass with a 30-day expiration. To obtain the safe conduct pass, the interested persons must fill out a single form per individual.

It is important to mention several migration measures taken by the United States, which is the other main country of destination for Nicaraguan emigrants, due to the great importance that these measures have had among the migrants. To wit:

- the migration measures approved in the 1996 Law, the *Illegal Immigration Reform and Immigrant Responsibilities Act*, IIRIRA, which implied changes in procedures, primordially those related to irregular immigration
- the Nicaraguan Adjustment and Central American Relief Act (NACARA), which went into effect in 1998, which was aimed at providing certain migration benefits to the migrants coming from Nicaragua, Cuba, and the former Soviet Union, offering the Nicaraguans that had lived in the USA since December 1995, the opportunity to legalize their status. Although migrant organisations estimate that around 70'000 Nicaraguans could have been the object of NACARA benefits, there are reports that through June 1999, only 27'000 had applied

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- the *Temporary Protection Status* (TPS) issued after Hurricane Mitch, at the end of 1998, for Nicaraguans and Hondurans that arrived in the United States prior to December 1998 was oriented to providing protection to those who applied through July 2000, with a probable later extension, and which would benefit some 60'000 Nicaraguans.

1.2. Legislation related to the employment of migrant labourers

In spite of the grave and growing problem linked to migrations, in Nicaragua there is no legislation providing a response or orienting institutions and individuals in the face of this phenomenon.

Although there are international Conventions that protect migrant workers of both sex, these have shown little efficacy, and in a majority of cases, the Government of Nicaragua has not ratified them. Among those not ratified, the following stand out: the International Convention of the United Nations on the Protection of the Rights of All Migrant Workers and their Families (1990), and the ILO Conventions on Migration for Employment, (No 97), and the Migrant Workers Convention (Supplementary Provisions), (No. 143).

One task for committed politicians and citizens is to bring pressure to bear so that Nicaragua will ratify these Conventions. Nevertheless, it is important that these conventions, in order to be truly effective, be subscribed by both countries.

Furthermore, national legislation does not reflect this reality at all. Government authorities that were interviewed indicate that the Government of Nicaragua has no specific laws or decrees that would regulate the departure and stay of Nicaraguans abroad.

The Labour Code has no specific chapter or article in this regard; rather, it is full of voids. For this reason, there have been attempts to make a general revision of the Code and take advantage of the opportunity to introduce this issue. To date, however, it has not been possible. This is a priority task that has been put off in the parliamentary docket for years.

The General Directorate of Migration and Alien Status has four specific laws regulating its tasks,²⁵ but they exist independent of each other:

1. **Law on Migration.** Passed by the National Assembly in 1993. It's objective was to establish the legal system that is indispensable in Migration affairs; thus, it regulates acts related to immigration and emigration
2. **Law on Alien Status.** Passed by the National Assembly in 1993, its purpose is to regulate the arrival, admission, stay, and departure of foreigners into, on, and from the nation's territory
3. **Law on Nationality.** Passed by the National Assembly in 1992. It regulates the existence, granting, loss, and recovery of Nicaraguan citizenship, which will be governed by the provisions of the Political Constitution, this Law, and its regulations
4. **Law on Controlling the Traffic of Illegal Migrants.** Passed by the National Assembly in 1996. Its objective is to regulate, control, and sanction those who carry out an illegal traffic in persons within the nation's territory.

²⁵ There is no Organic Law establishing Migration, so that it operates outside the law.

Both male and female officials interviewed indicated that none of these laws has been regulated, so that at no time have they become effective. Due to this, a proposed law was drafted with national advisors and advice from the IOM and sent recently to the National Assembly. The pre-project is intended to draft a sole, integrated law, which would provide coherence to these four laws and that would define migration categories, requirements, etc.

However, the major concern of some officials interviewed in this regard would seem to be directed principally at the possibility of controlling the aliens entering the country, more than providing responses for the citizens that leave to work.

In this regard, they indicate that Nicaragua always has had emigrants, but recently there has been an increase in arriving immigrants seeking work and some firms are providing opportunities for jobs that could be held by Nicaraguans. In view of this situation, the Ministry of Labour and the General Directorate of Migration and Alien Status are drafting a proposal for a “Legal Framework for Migration”, which would allow the establishment of the pertinent coordination between both Ministries in order to certify that in fact this type of professional is required in Nicaragua and that they are not found in the country.

1.3. National legislation related to trafficking of persons

Officials from the General Directorate of Migration and Alien Status were interviewed on this issue. Although this Directorate has among its specific laws one referring to Controlling the Trafficking of Persons considered illegal, such as agents that could be recruiting women and children in-country to transfer them abroad for purposes of sexual exploitation, they indicated that this law is not regulated, which hinders its application.

Indeed, Law No. 240, the “Law on Controlling the Traffic of Illegal Migrants” does exist, and is designed to regulate, control, and sanction those who effect illegal traffic in persons within the nation’s territory.

In Chapter IV, with regard to the crime of illegal trafficking of migrants, Article 19 stipulates that the persons committing the crime of trafficking are those nationals who meet the following description. With a profit motive, and based in national territory, they carry out or are dedicated to any activity involved in making nationals or aliens enter or depart the country illicitly, in order to establish them in Nicaragua or pass them in transit to other countries, by whatever means they may utilise.

Furthermore, it stipulates that it will be the responsibility of the General Directorate of Migration and Alien Status to oversee that the sentence of those guilty of migration infractions is fulfilled. On the other hand, the National Police, through the Head of Criminal Investigation, will remit and present before the Court all documentation and evidence received and related to those implicated in migrant trafficking, to carry out the corresponding criminal accusation.

For these purposes, the General Directorate of Migration and Alien Status may carry out covert operations in the course of its investigations in order to identify the authors, accomplices, accessories after the fact, or to clarify the facts related to migrant trafficking, and to establish as penalties the dispositions in penal law and the other laws in this matter, which establish in the Penal and Criminal Instruction Code, sanctions from between 4 and 8 years of prison and a fine that varies between 10’000 cordobas and 50’000 cordobas (between US\$900 and US\$ 4’000.00).

It is worth noting that this law is not specifically directed at problems of trafficking of persons, but rather it tends to penalize undocumented aliens found in country.

From the foregoing, we can draw the conclusion that this issue has not had a high profile in public and private agendas, save for some journalistic efforts on a sporadic basis. As a reflection of this, legislation in this regard is almost wholly absent and there are no concrete mechanisms to enforce the scant decrees referring to this problem.

The situation is the same with regard to minors, since the legislation indicated by the authorities that might in part regulate their departure abroad, the Code on Mother, Father and sons and daughters (*Código de Madre, Padre e hijos/as*), makes no specific reference to this type of problem.

In this regard, the General Attorney for the Rights of Children and Adolescents indicates that the institutions of the State responsible for national and international migration movements must contribute to clarifying the cases of stolen boys and girls, after indicating that there is no budget assigned to carry out investigations of missing persons or stolen children²⁶.

The Ministry of Labour has a Ministerial Resolution²⁷ regarding the authorization and regulation of the operations of Private Employment Agencies, which stipulates that no one may contract the services of Nicaraguan citizens for them to leave the country to work abroad, without prior authorization and regulation by the Ministry of Labour. However, this resolution has been left on paper and has received no follow-up whatsoever. The officials interviewed hold that the lack of financial resources has impeded Ministry operations.

1.4. Implementation and application

In spite of all the existing agreements and laws, reality has shown us that there are disjunctions between the Presidential agreements and their implementation by the countries. There is an absence of mechanisms for coordination within the realm of bi-national policies between Nicaragua and the other Central American countries, particularly Costa Rica, as well as a shortage of agencies to exchange information and agree on criteria, resources, and priorities according to the demand for integrated actions.

All of this leads to the fact that migration legislation in Central America is still limited to establishing categories for admission, requirements, and entry and residence procedures in each country, delegating the administration of these policies to the National Migration Offices. Indeed, the Law on Controlling Trafficking stipulates on departures from the nation's territory: "the migration authority will impede the departure from the country of any person, of whatever nationality, who lacks the necessary documentation pursuant to the provisions of this Code or against whom there is a restraining order issued by a competent authority".

Finally, these agreements are unable to provide an adequate and concrete response to the reality of the situation, due to the lack of their follow-up, since they foresee a series of bureaucratic measures, which, in fact, exclude a majority of the migrant population.

²⁶ López, Carlos Emilio. *Diario La Prensa*. 20 April 2001.

²⁷ Ministerial Resolution dated 21 October 1997.

It is important to take into consideration that recent relations between Nicaragua and neighbouring countries, Costa Rica and Honduras, are tense as a result of controversies over sovereignty of border territories.

II. Governmental migration policies and programmes

2.1. Preparation of migrant women for work abroad

The Central Government in the face of the migration problem

Generally, it is possible to state that there is no “Government Position” on this problem and its impact on the country’s political, social, and economic life. The migration issue has not been considered nor are there Governmental programmes nor policies related to the migration problem. Some isolated and contingency responses have been found in the course of the studies carried out, when the matter has become acute, from the perspective of the receiving countries.

Government agencies, such as the Ministries of Labour, Foreign Affairs, and the General Directorate of Migration and Alien Status, have no training programmes and/or actions related to the rights of the migrant population or actions aimed at preparing them for work abroad. The same is true with regard to the prevention of exploitation or protection against abuse.

Governmental authorities indicate that the only support action undertaken through the Ministry of Labour appeared while the bi-national agreement on seasonal workers was in effect between the Governments of Nicaragua and Costa Rica, whereby the Ministry of Labour merely carried out common migration procedures, such as providing a safe-conduct free to those who requested it and in the case of Costa Rica, not charging visa fees for entering that country.

Furthermore, the Social Action Secretariat (SAS, *Secretaría de Acción Social*), a Government agency responsible for administering and coordinating National Population Policy, does not handle the migration issue. It lacks a migration registry and indicators that would allow it to measure the phenomenon, which, when taken together with the fact that the Population Census does not capture this information, further limits any effort by this institution in this direction. Interviewed officials indicate that they know of the problem, however, they lack a mechanism that would allow them to respond to the situation with concrete actions to confront it.

The application of several contingency plans shows once again the lack of migration programmes and policies aimed at handling, in an opportune and agile manner, a problem that is increasing due primarily to the precarious economic situation the country is experiencing, and uncovers the shortfall in the area of bi-national agreements and conventions with Costa Rica, which would imply an important political commitment of mutual support and collaboration.

The National Assembly

Members of the Human Rights Commission have held meetings with their Costa Rican counterparts and have visited detainees in that country, however, there have been no concrete actions aimed at preparing the population that is planning to emigrate or for the population that returns to Nicaragua. Modest financial support has been provided by the Economic Affairs Commission to carry out specific training activities through a project managed by the Polytechnic University of Nicaragua (UPONIC, in Spanish).

Currently, and based on the experience of this commission with union organizations, some members are attempting to promote coordination among the different commissions, Human Rights, Economics, and Labour, in order to promote the ratification of Conventions, among which is the Convention on “The Rights of Migrants and their Families”. However, they indicate that there has been little political will on the part of the Governments of Costa Rica and Nicaragua to approach the problem seriously and to draft specific laws that respond to it.

The Office of the Ombudsman or General Attorney for Human Rights

Among the initiatives undertaken recently, an Office for Migration Affairs Assistance (*Oficina de Atención a Temas Migratorios*) has been created, where “all those cases related to the different national and foreign migration groups” receive special attention.

They have a wide spectrum of issues that are considered important to deal with, among which the following stand out:

- Regime and Treatment applied to Refugees and Asylum seekers in Nicaragua
- Rural-Urban Migration and its relation to situations of poverty
- Penal situation of foreigners incarcerated in Nicaragua and Nicaraguans abroad
- National Programmes for reinsertion in the country for the Nicaraguans abroad
- Establishment of contacts with the IOM and the ILO, Office of the President of the Republic, and the Ministry of Foreign Relations, in order to study the viability of Nicaragua’s ratification of the International Convention on the Protection of the Rights of All Migrant Workers and of their Families.

In coordination with the General Directorate of Migration and Alien Status and the IOM, they have promoted and participated in the organisation and development of the First Nicaraguan Forum on Migrations, an event that aided in obtaining a “greater success in the proposed goals and the provision of an exchange of ideas and experiences to define a possible common programme among the different Governmental and non-Governmental agencies that are working on this issue”.

The Forum is considered an “open, humanitarian, propositional space for discussion and information exchange” on the Human Rights of migrant populations and their families. Among the general objectives of the Forum, the following stand out:

- to create a juncture for discussion and generation of strategies for an integrated approach to migrations within the context of national and regional realities
- to contribute to the generation and formulation of policies and the design of strategies on the part of the Government, national and international organisations, and civilian bodies, to promote, protect, and assist the Nicaraguan population
- to promote the protection, assistance, and respect for the human rights of migrant populations
- to promote policies and strategies to stimulate voluntary return and socio-economic reinsertion of migrant men and women at the national level.

To date, only one Forum has been held, the different institutions and countries participating in the Forum prepared a number of different presentations. Among the major findings from the Forum, the following stand out:

- a lack of coherent policies and reinforced plans or strategies, which are systematically aimed at providing assistance to the migrant population and solving their problems in an integral manner
- a lack of support, participation, and coordination by and among the major sectors working on the topic
- high levels of migration for economic reasons
- a lack of awareness and social solidarity
- scant information on the problem, while what exists is dispersed among numerous organisations and/or private researchers.

As major topics of interest, the office proposed specific attention to the phenomenon of “coyotes” or migrant traffickers and the promotion of a change in attitudes of public authorities and civilian society in dealing with alien persons, in order to see them as immigrants and not as illegal delinquents.

2.2. Evaluation of the Government’s initiatives in favour of emigrants and suggestions for future interventions

The women and men interviewed in the focus groups expressed and shared a sentiment of defencelessness. They felt that as soon as one becomes a migrant, one loses any right to citizenship and becomes an unprotected personage, while at the same time not knowing either what one’s rights are, or how to claim them.

All of them, both men and women, expressed that it was up to them and to them alone to face all the problems and contradictions that they undergo as migrants, including disrespect for their rights as persons and as workers.

The women indicated that they did not know the labour laws in the country of destination, nor their rights as workers. In general, they do not know of any organisation in the country that could protect them.

They are aware of the need to seek aid and information from the Ministry of Labour and support institutions, in both Nicaragua and Costa Rica. At the same time, they feel that the Governments of Nicaragua and Costa Rica should grant permits for longer stays and that migration costs should be lower.

Furthermore, a bi-national agreement should be adopted that would allow migrant individuals with an identity card (“*cédula*”) to use it to enter and leave Costa Rica, so that this way the “coyotes” would cease taking advantage of them, charging vast quantities of money.

III. Private initiatives

3.1. Information and awareness

In spite of the fact that Nicaragua has many organisations in civilian society that are active with regard to different economic and social problems, and particularly with regard to Human Rights, there are few initiatives on migration issues, which shows once again that it is not a high profile issue with an important presence on the nation's agenda.

Those organisations that have been most involved have been unable to heighten awareness and mobilise public opinion on this issue. They lack coordination among themselves, which lessens their ability to have an impact. To date, even though they have developed some interesting proposals, they have not been able to catapult them into the public forum for adoption in terms of policies and programmes by public institutions.

CARITAS-Nicaragua

Among the organisations focusing on this issue, Caritas-Nicaragua stands out as a social organisation implementing actions in favour of the general Nicaraguan population emigrating to Costa Rica, by means of their Department of Human Mobility, providing continuity to the specific attention the organisation provided for the Nicaraguan deportees returned from the United States, Mexico, and Central America in the early 90's.

In Cárdenas, there is one person posted at the border, who oversees that migrants' rights are not trampled or abused on either side of the border. To this end, CARITAS has requested that the migration authorities be identified, since they have no nameplates.

Currently, they are requesting the local municipal Government to provide them with a permanent locale to facilitate their efforts. They point out that in San José it has been difficult to set up a permanent initiative, since the migrants do not have any referents to the organisation in that city.

They have been working for a year and most of their accomplishments to date have been in community organisation, where they have 200 volunteers, 80 per cent of whom are women. To achieve this they have used religious structures. They provide talks for heightened awareness on the issue, on the rights and duties of the migrants, the significance and importance of their documentation, problems in Costa Rica, Human Rights, the Church's pastoral activities, and natural medicine.

Currently they are attempting to establish an Inter-Institutional Committee, which would involve the Church, the National Union of Farmers and Cattlemen (UNAG, in Spanish), Migration and Alien Status, the Police, the Ministries of Education and the Family, and the Office of the Ombudsman. They would like to involve the Ministry of Labour as well. They are working with the productive sector and the Mayor's Office on the possibility of opening new sources of jobs and new municipal projects.

Within the realm of future activities, they plan to draft a diagnosis of the legal situation of this population in coordination with INIES, CEPAD, and CENIDH, and although they do not provide assistance differentiated by gender, they are beginning to look at the gender issue to face the specific problems of women in migration processes.

Nicaraguan Human Rights Centre (CENIDH, Centro Nicaragüense de Derechos Humanos) ²⁸

CENIDH has been developing a case-based approach to dealing with the accusations it receives, regarding the defence of migrants' Human Rights. They have been present in critical situations, such as when there were threats of massive deportations, demanding that the Government assume a more belligerent position in the face of the problem. They promote efforts at reflection on the issue and provide information on the problem in their annual Human Rights reports.

Pablo Freire Higher Institute of education

This is a private institution responsible for implementing educational activities on the part of the Polytechnic University of Nicaragua, UPONIC. Starting in 1999, this University proposed the need to design a job re-classification programme, which became, a year later, the "Programme for Education and Training for Working with the Migrant Population in Costa Rica". The Programme's objective is to provide a response for the formal educational requirements, via remedial education, for individuals with primary and secondary education and the population that has participated in alphabetisation programmes, with an additional vocational component. The programme's aims are to allow the migrant population to improve their living and working conditions in Costa Rica.

They work with a primordially youthful population, between 16 and 21 years of age, who attend remedial education courses given at the installations of the Calle Blancos Technical and Professional Institute, which provides its installations free of charge, charging only for the depreciation of the computer equipment and the English language laboratory. The Institute also offers weekend courses for "entrepreneurs".

The latter courses draw groups of 7 to 8 persons in order to train small-business entrepreneurs and at the end of the course, set up small enterprises. Another objective of the entrepreneurial course is to create conditions for the return of the migrant population in such a way that the young men and women will return to Nicaragua with more qualifications and experience in small enterprises.

These programmes are carried out with funds from UPONIC with a small contribution from the Economic Commission of the Nicaraguan National Assembly.

Another initiative undertaken is the creation of the Foundation "Centre for Migrant Social Rights" (CENDERO, *Centro de Derechos Sociales del Migrante*) under Costa Rican law, in order to promote community work activities in the La Carpio neighbourhood of San José, where 25 of the 36 thousand inhabitants are of Nicaraguan origin.

Recently, research concluded on the study "A Panorama of Nicaraguan Immigration in Costa Rica in the La Carpio Community" (*Panorámica de la inmigración nicaragüense en Costa Rica en la comunidad de La Carpio*), in collaboration with the Nicaraguan Institute for Small and Medium Enterprise (INPYME, in Spanish). The Institute will promote training for women and men in the areas of leatherwork, footwear, and handicrafts. To this end, INPYME will send qualified and experienced personnel to provide training and assistance in these areas. The project integrates other components of social psychology, intra-family violence, and programmes that emphasize public health.

²⁸ Morales, Ninette and Zepeda, Darlyn. *Migración de nicaragüenses a Costa Rica: impacto territorial y respuestas locales* (Nicaraguan Migration to Costa Rica: Territorial Impact and Local Responses). Sep. 2000.

Over the medium term, there are plans to establish as legal aid centre for the migrant population.

Another initiative undertaken by UPONIC is the establishment of an agreement with the Costa Rican Institute of Technology (TEC), at their Ciudad Quesada campus, to carry out educational activities on both sides of the border along the San Juan River. The courses are aimed at the vulnerable Costa Rican and Nicaraguan populations and take into consideration topics to prepare the population on the economic, social, and political situation in Costa Rica and on rights and duties. These classes are also supported by the Nicaraguan Association of Municipalities (AMUNIC, in Spanish), which is promoting meetings and forums with financing from UNDP.

They are quick to point out that they have no coordination with Governmental institutions, with the exception of INPYME.

Among the different private initiatives, this institute has been able to articulate a series of activities heading down a new road, responding to a various problems, so that the Nicaraguan population in Costa Rica can improve their living conditions through a series of job and technical qualifications, which will aid them in overcoming their condition as un-skilled cheap labour. At the same time, it strengthens them since their training includes awareness of their fundamental rights.

Nicaraguan Association of Municipalities (AMUNIC, Asociación de Municipios de Nicaragua)

Over the last three years, this Association has been carrying out efforts aimed at establishing the basis for the development of Nicaragua's border zones. They provide support for the local Governments of the border areas between Nicaragua and Costa Rica, and recently formed the Confederation of trans-border municipalities from both countries, to strengthen the ties that exist among the municipalities that share the border and surrounding spaces in their daily interchanges. The Confederation is made up of the Foundation for the peace and development of Costa Rica, the institution selected by SICA to work on border issues, and AMUNIC, from Nicaragua.

Among the actions undertaken, they mention the exchange of information to delve further into migration problems, some advances to facilitate migration processes, simplifying entry into the country for the deported population, and for the residents of the municipalities involved, as well as when carrying out different procedures in the trans-border municipalities. Currently, they are working on the preparation of a mutually beneficial unified plan aimed at resolving common problems in the areas of education, health, environment, and others²⁹. They provide for encounters, forums, and seminars among mayors/mayoresses from the border zones with financing from UNDP and in coordination with UPONIC.

It is very important that this initiative be promoted, since it is the only one that confronts the problem at its roots, seeking answers to the needs of the populations and limit increases in the migration phenomenon.

It is worth noting that some coordination has begun between this initiative and that of the Pablo Freire Institute.

²⁹ Bravo, Alejandro. Executive Director of AMUNIC.

Field Workers Association (ATC, Asociación de trabajadores del campo)

This is a confederation of field workers that is currently working with the ILO in a programme to send leaders from Nicaragua to Costa Rica to organise the migrant women in that country and provide talks on their labour rights.

To this end, they have the support of related labour organisations in Costa Rica, and have held two encounters; the last one was in September 1999, with the participation of several labour organisations from Nicaragua, Honduras, and Costa Rica. During these encounters, they set as their priority to have an impact so that the migrant population achieves contractual status that will allow the Nicaraguan worker to enjoy his or her rights.

One of the association's regular activities is to provide training for women on labour rights, environment, pesticides, negotiating techniques, the main benefits to be recuperated by women, labour organisation, international labour norms, and gender. They do not, however, have specific programmes aimed at preparing women prior to their emigration, nor do they provide assistance on their return.

In this case, an attempt would also be made to strengthen the coordination between the unions in both countries to provide job protection for the migrant labourers.

Sandinista Workers Central (CST, Central sandinista de trabajadores)

This labour organisation has not worked directly on migration issues, but has done so indirectly through the Central American Labour Coordination (COCENTRA, *Coordinadora Centroamericana de Trabajadores*), of which it is an affiliate.

This organisation currently participates in the bi-national project between Nicaragua and Costa Rica, with regard to the issue of migrant women, which is aimed at organising a first encounter to analyse the problem and draft proposals and working initiatives. Recently, there was an interchange at the border where unionised women and members of the women's movement from both countries participated, with little media coverage. To give the problem a higher profile, they want to repeat the experience with migrant women in both countries' capitals.

3.2. Evaluation of private initiatives in favour of emigrants and suggestions for future interventions

In general, almost all of the persons interviewed were unaware of the initiatives undertaken by the aforementioned organisations. Only one of the women that participated in the focus groups knew of the existence of the Household Workers' Association, and she mentioned that she received assistance from this organisation so that she would be paid full severance pay. Another indicated that she knew of the Technical and Professional Institute in Calle Blancos, since her sister is receiving remedial schooling there. Others were aware that the UNHCR has dormitories in San José, and that one pays 300 colons per night.

In this regard, they suggest that the organisations in Nicaragua coordinate with organisations in Costa Rica to carry out campaigns informing the migrant population of those institutions that are working for them, where they can be found, and the type of support they provide. They also consider it important to open branch offices in Liberia, so

that the migrants won't have to go to San José, when they need information or have problems to resolve.

IV. Governmental initiatives for female returnees

4.1. Social and economic reintegration

The sporadic character of the initiatives is even more evident in this case, they are mostly characterised by circumstantial responses in the face of crises, with no underlying policy orienting them.

After Hurricane Mitch in 1998, the Government of Costa Rica ordered a mass deportation of Nicaraguans, which led the Ministries of Health and the Family co-ordinated by the Secretariat of Social Action (SAS) to provide a much needed response to the specific situation, providing the deported population with temporary minimum conditions, such as shelters and monetary support, which would allow them to return to their places of origin.

The result of this deportation once again pointed out the lack of public initiatives for favourable access by Nicaraguan migrant labourers, and the absence of interest on the part of both Governments to reach bi-lateral agreements, which would raise the efficacy of the activities aimed at favouring a regularisation of the entry of Nicaraguan male and female migrants.

In 1999, a contingency plan was drafted to assist an eventual migration emergency, which was considered possible after August 1st of the same year, with the closure of the amnesty period that the Costa Rican Government had allowed. This plan was to be aimed at facilitating the entrance of the deported population, their stay in the border area during the first few hours, and then their transfer to the homes of relatives and food for a month.

To carry out the plan, a Special Inter-Institutional Committee was set-up and integrated by Central Government Institutions, where the local Governments that were involved, would play a supporting role, since they were the receiving sites for the affected population.

The plan also foresaw support from CARITAS, through their participation in the provision of humanitarian assistance. This initiative was not carried out, since the expected large-scale deportations did not materialise.

Recently, the Municipality of San Carlos, on the San Juan River, established a Migrant Support Commission consisting of the Mayor's Office, Migration and Alien Status, the Police, and the Church, to aid the Nicaraguan men and women that are expelled from Costa Rica when they are found working on coffee or banana farms without the necessary legal documentation. The Commission's main purpose is to provide food, bathing facilities, and the possibility of mobilising them to their places of origin.

4.2. Support and social-psychological assistance for victims of exploitation

There is no Governmental policy or programme aimed at assisting the victims of exploitation.

4.3. Evaluation of the Governmental initiatives related to the migrant return process and suggestions for future interventions

The women returnees indicated that they know of no initiatives on the part of the Government. Nevertheless, they pointed out that the lack of employment and decent salaries drives them to emigrate, and if they return to the country, once again they are forced to emigrate. Thus, they recommend that the Government of Nicaragua should be more concerned about generating jobs and increasing the minimum salaries, especially for domestic help, so that the women will not find it necessary to go to Costa Rica in search of employment.

Furthermore, these women returnees consider that the Government should support the return process, providing minimum temporary conditions for the deported population, such as shelters and monetary support that would allow them to reach their places of origin.

V. Private initiatives for female returnees

5.1. Social and economic reintegration

The scant existing initiatives refer to circumstantial assistance, in the case of deportation and the border-crossing phase.

CARITAS Nicaragua provides temporary assistance for male and female returnees and orientation for those departing, including food and lodging for the night, counselling in cases of Human Rights' violations, and assistance in preparing their documentation.

When cases of Human Rights violations are discovered, these are remitted to the Ombudsman, CENIDH, or other appropriate bodies.

The UPONIC University provides courses on entrepreneurship focused at young adults to facilitate, through training, their reintegration to the labour reality of the country.

In general, we can state there is a lack of initiatives to reintegrate the returned population into the country's social and economic realities. This absence is related to the difficult living conditions of the country's poor populations, who have high rates of poverty, unemployment, and under-employment. We will attempt to focus on the problem from that standpoint.

5.2. Handling remittances

In order to determine the concrete nature and position occupied by migrations in Nicaragua, it is important to take into account the impact of remittances on the country's economy. This factor clarifies the profiles of male and female migrants, since it is these poorer populations that move to other countries, pushed by the need for survival, and end up providing an extraordinary contribution to Nicaragua's economy.

The flow of remittances

Recent surveys show that the growing trend in Nicaraguan migration flows over the last three decades, particularly towards the U.S.A. and Costa Rica, have implied a significant one-way flow of financial resources, including family remittances.

Notwithstanding, estimates of the amount of remittances in 1997 and 1998 vary according to the institutional source or the experts, as well as the calculations of the migrants themselves. Thus, to estimate or quantify the flow of remittances to Nicaragua is a difficult task, since much of this foreign exchange enters the country informally. Furthermore, there are no accounting records or an official information system that would allow approximate sums or projections.

The Central Bank of Nicaragua has no methodology to account for family remittances, the line item appears in the balance of payments, together with other unilateral private transfers. Official sources indicate that the amount coming in from Costa Rica in 1998 was US\$200 million. In contrast, private sources³⁰ hold that this figure is not valid, since it corresponds to figures recorded under the concept of "income from private transfers".

³⁰ Avendaño, Néstor.

Recent research³¹ indicates that the monthly remittances from Costa Rica fall between US\$65.60 for men and US\$72.10 for women. It is important to note that in the group of women interviewed the household workers were over-represented, which, due to the limited number of cases (61), may artificially increase the average value of remittances forwarded by women. Even taking this into account, this datum speaks to the relevance of the group of domestic maids in the remittances sent, since by living in the homes where they work, they are able to forward a larger proportion of their earnings as remittances, as compared to other groups of workers.

The household survey carried out by ECLAC reveals that families receiving remittances receive an annual minimum average of US\$1'200.00. Thus it can be estimated that between 1991 and 1996, the Central American region received an amount of remittances 10-fold greater than those of the 80's, revealing an increasing trend in remittances. The first estimations made by ECLAC in 1989 calculated US\$ 60 million, and other sources corroborated that in recent years the volume of transfers has been growing at rates over 20 per cent per year.

The emigrants use diverse channels to mobilize their transfers, such as the banks in the national banking system, remittance agencies (66.1 per cent) [Western Union alone has 71 offices in Nicaragua], with family and friends (23.7 per cent), personal delivery (6.8 per cent), the mail system, and buses, supermarkets, travel agencies, and personal delivery at the border (3.4 per cent). In recent years, the banks have become a widely used channel and they have correspondent services in banks in the U.S.A. and Costa Rica, while at the same time, they are expanding their alliances with remittance agencies, supermarkets, and others.

The largest amounts of remittances come from the United States (Los Angeles, Miami, and New York), Costa Rica, and Europe. Those received by the banks are destined primarily to the departments of the Pacific and Northern Zones.

The remittance agencies offer to deliver the remittances in cash, in foreign currency, and they have exchange services for those who receive foreign exchange and wish to convert it to national currency. They apply the official exchange rate set by the Central Bank. The costs for sending the remittances have been consolidating, and the beneficiaries of the transfers generally pay 0.5 per cent if they are customers or have savings accounts in the respective bank, and 1 per cent if they are not account holders. Generally, the firms charge the migrants 10 per cent on the amount sent, with no charge to the recipients

Part of the remittance may also be forwarded in specie. According to data for August 2000³², there are reports that 45 per cent of the Nicaraguans have sent non-monetary remittances: 19.7 per cent in clothing, 4.9 per cent in household appliances, 3.3 per cent in medicines, 6.6 per cent in foodstuffs and/or others of the aforementioned, while during the 80's, clothing predominated with 25 per cent, footwear 24 per cent, and household appliances at 6.8 per cent.

³¹ Cranshaw, Marta I. Morales Abelardo. *Migración, Empleo y Remesas*. (Migration, Employment, and Remittances) FLACSO. 2000.

³² Cranshaw, Marta. *Op. cit.*

5.3. The impact of remittances on the country's economy

If one accepts between US\$400 and 800 million dollars as the amount of remittances received by the country, and one relates these figures to basic macroeconomic indicators, such as the GDP, imports and exports, savings, foreign debt, and debt service, the importance of this item in the nation's economy and its contribution to Nicaragua's economic activity can be better appreciated.

In 1998, remittances represented:

- between 18 per cent and 36 per cent of the GDP
- between 65 per cent and 131 per cent of the exports
- between 29 per cent and 58 per cent of the imports
- between 66 per cent and 112 per cent of the foreign currency deposits in the national banking system.

It is further estimated that as a result of the migration policies applied in favour of the men and women that have migrated to the U.S.A. and Costa Rica through the NACARA Law and the Migration Amnesty, respectively, it is possible to foresee further significant growth in remittance flows over the short and medium term, since legalisation of residency will allow the immigrants to earn full minimum wages and will increase their capacity to send higher levels of remittances.

5.4. The impact of the remittances on the family's economy

According to data from the 1999 ECLAC Household Survey, approximately 54 per cent of the members of households receiving remittances earn monthly incomes below 1'000 cordobas, and only 10.8 per cent surpass 3'000 cordobas. Of the household members in working ages, only 27.6 per cent have a paid job and 62.3 per cent do not have a job, figures coinciding with official data at the national level on unemployment and underemployment, which affect more than 50 per cent of the population.

Considering that the average annual amount of the remittances received per household is US\$1'200.00, their impact in the household economy becomes evident, turning them into an important, if not irreplaceable support for the families that receive them. At the same time, there is a high degree of average household dependence on the remittances from abroad, reaching 52 per cent, even though in 30 per cent of the households, their dependence exceeds 80 per cent.

With regard to the frequency of remittal, 64 per cent of the Nicaraguan families receive them on a monthly basis. On the other hand, the FLACSO survey in Costa Rica reported that 64.4 per cent send them on a monthly basis, 13.6 per cent every two months, while 8.5 per cent sends them once a year and/or occasionally ³³.

With regard to the use of the remittances, several studies have reported that 75 per cent of the remittances are destined to guarantee the family's survival, through the purchase of foodstuffs, clothing, footwear, and basic service costs. Even though this is a

³³ Cranshaw, Morales. *Op. cit.*

high percentage, it shows a 10 per cent reduction with regard to the data from the study carried out by ECLAC on the remittance situation in 1990.

In contrast, in recent years, the percentage destined to health and education expenses has grown to 12 per cent of the total remittances received, compared to the 1993 ECLAC data where it was 5 per cent. The increase of the use of remittances for these items could be explained in part due to the privatisation of these services, which obliges the families to invest in them, while according to the Constitution of the Republic they are free and the State is mandated to provide them.

In the household survey carried out by Pritchard³⁴, 80 per cent reported not having changed the use given to the remittances since they started to receive them, while 16 per cent indicated that they have begun to orient them to other activities, such as household and business improvements and education in particular. However, they indicate that the amounts destined for such purposes are insufficient to transcend mere consumption.

If one considers that 24.76 per cent of the remittances are being destined to productive and social uses, such as savings, medicine, education, businesses, etc., of the 400-800 million dollars in remittances calculated for 1998, there have been between 100 and 200 million dollars destined to these areas of "human development", which is equivalent to the public investment budget for 1997.

With particular reference to the remittances sent by female migrants, several studies indicate that, for the most part, they are invested in non-productive activities, such as family maintenance and other activities such as housing construction and/or improvement.

This can be explained, in part, to the loss of the woman's contribution to family maintenance through her un-paid work while she was in the home, and as a consequence, there is a greater dependence on the money that she sends for maintenance. On the other hand, frequently the existence of a provider abroad produces greater consumption of material goods, determined by a provider-consumer relationship reinforced by the attempt on the part of the mothers that have left their children and their nuclear family behind to make material compensation³⁵.

Currently there is a predominance of female heads of household in the homes receiving remittances, 63.5 per cent versus 36.5 per cent male heads of household. In 70.7 per cent of the families, the person receiving the remittances is a woman and 57.3 per cent represent women who send the remittances to other women that are caring for children or the aged (sons and daughters or parents). A majority of the female heads of household that receive remittances have low levels of schooling: 11 per cent are illiterate, 6 per cent received adult literacy training, 35 per cent completed 4th to 6th grade, and 10 per cent reached the university. Of these, 75 per cent have never requested credit, and expressed a lack of information on credit sources. In other cases, they reported that they do not meet bank requirements³⁶.

When the women return, usually in December, they bring some savings with them, up to C\$5'000'00 Nicaraguan cordobas (approximately US\$400.00), but they spend a lot of this money on Christmas gifts. They arrive not planning to return, however, the economic

³⁴ Pritchard, Diana. *Evitando el hambre, buscando oportunidades: migración como respuesta familiar*. (Avoiding Hunger, Seeking Opportunities: Migration as a Family Response) UNDP, Nicaragua 2000.

³⁵ Gregorio Gil, Carmen. *Género y Sociedad*. 1995.

³⁶ Agurto, Sonia, *op. cit.*

realities of the country make them plan their return. This is why their children begin to look on them as an economic means for survival, and want them to go back and work abroad³⁷.

³⁷ Peña, Félix. Mayor of Belén.

VI. Institutional framework

6.1. Institutions that promote, enforce and oversee policy and legislation

As was indicated above, the main institutions involved in promoting, enforcing, and overseeing migration policy and legislation are the following:

Ministry of Foreign Affairs (Ministerio de Relaciones Exteriores)

Through the Consulates in each country, it has the ability to monitor the conditions of male and female migrants, become a point of reference for information and defence of the rights of Nicaraguan citizens abroad, be vigilant for any type of abuse that might occur within the receiving country, and finally oversee compliance with the different bi-national agreements.

In reality, however, the actions by this Ministry with regard to migrants have been at best sporadic, and the migrants do not perceive Consulates as a point of reference. In the case of trafficking of persons, the Consulates have not played a confrontational role.

General Directorate of Migration and Alien Status (Dirección General de Migración y Extranjería)

This agency is responsible for overseeing compliance with the country's migration laws. However, as noted above, these laws, in addition to their lack of regulations, are totally inadequate to control the migration situation; furthermore, they do not have the means necessary to provide follow-up for a series of indicated cases, such as trafficking of persons.

Ministry of Labour (Ministerio del Trabajo)

This should be another agency responsible for providing migration conditions that would impede the occurrence of cases of labour rights abuses. Attempts have been made to establish direct relationships with the Government of Costa Rica and the Costa Rican employers, especially in the case of seasonal rural labour, to negotiate working conditions for male and female labour migrants. However, in practice this was effective only briefly, since the contracting processes occur on a direct basis, excluding this type of mediation.

Furthermore, the Ministry's greatest concern appears to be directed not so much at those who are emigrating, but towards the foreigners that are coming to Nicaragua to take jobs that could be held by Nicaraguans.

National Assembly(Asamblea Nacional)

The Legislative Branch has had little influence on drafting proposals related to this topic through the pertinent Commissions. It has not revised migration legislation, nor has it carried out any initiatives in this direction. Different members of the Commissions, who were interviewed, indicated that the topic was not of interest within their commissions and that although they are aware of some of the International and Bi-National Agreements and Conventions, they do not follow them up.

One factor influencing this situation is the high turnover among the members of the commissions, who change each year, as well as their lack of experience and knowledge on the topic and in particular, on the legislation and the pertinent international and bi-national agreements.

Members of the Human Rights Commission have provided follow-up to some specific cases that have been denounced in Costa Rica. Within the Labour Commission on the National Assembly, no one is responsible for handling or following up on the topic of migration.

The Office of the Ombudsman (La Procuraduría de Derechos Humanos)

This agency was created to guarantee the defence of the Human Rights of the Nicaraguan population, and enjoys relative autonomy with regard to the Central Government. In spite of its recent creation, it is the agency that has dealt with the migration topic most directly and has developed initiatives in this regard. Additionally, this is where the Office for Migration Affairs Assistance is located.

In spite of the interest shown by this office, it has approached the issue only recently, lacks sufficient resources, and does not have the skills required by its mandate to lead a permanent process involving all public institutions to design policies and provide concrete responses for this problem area.

6.2. National and international efforts at coordination

Currently, as was indicated above, the General Directorate of Migration and Alien Status has recently drafted, with the advice of the IOM, the initiative of a pre-project for a Migration Law or Code.

Furthermore, there has been a manifest interest in establishing certain levels of permanent coordination between the Ministry of Labour, the General Directorate of Migration and Alien Status, and the Chancellery to carry out actions with regard to specific cases that have occurred.

The Ombudsman also maintains co-ordinations with the National Penitentiary System, the Police, the Municipalities, the Ministry of Health, and the Judicial Branch. Similarly, they maintain relations with the non-Governmental organisation, CARITAS, to create and expand the Office for Migrant Assistance in San Carlos, on the San Juan River.

These relationships have allowed them to enter into direct contact with migrants whose Human Rights have been violated, including groups of migrant citizens or foreigners.

Also, in coordination with the General Directorate of Migration and Alien Status and the IOM they have promoted and participated in the organisation and development of the First Nicaraguan Forum on Migrations, an entity that has aided in obtaining “greater success in the goals proposed, and to foster an exchange of ideas and experiences to define a possible common programme between the different Governmental and non-Governmental agencies working in this thematic area”.

The Forum is considered an open, humanitarian, propositional space for discussion and information interchange on Human Rights for migrant populations and their families.

However, the coordination processes must be accompanied with policies that clearly define and orient institutional labours, otherwise they will be directed only to administer very specific and outstanding cases.

At the international level, the presence of organisations and initiatives in Nicaragua related to migration is worth noting. Among these, the following stand out:

- **International Organisation for Migration, IOM**

Responsible for drafting a project whose objective is to introduce technology, harmonise the migration control systems, and homologise and improve legislation and training of the personnel in charge of these matters. The IOM and SICA signed an agreement on cooperation to begin joint efforts between both institutions. Currently the agreement is being put into operational practice.

- **Central American Organisation of migration directors (OCAM, *Organización Centroamericana de Directores de Migración*)**

Created in 1990, its objectives were a response to a concern in the Plan for Economic Action in Central America, to facilitate Customs clearance and migration. It was through this agency that the unified migration control card was adopted. In practice, the lack of sufficient budgetary resources among the migration control bodies, as well as the frequent turnover of their Directors and the absence in many cases of a clear national strategy on this issue, have delayed its consolidation as a co-ordinating agency for regional migration policies.

- **Regional Conference on migration or the Puebla Process**

Its creation in 1996 constitutes one of the concrete results of the Summit of the Presidents of Central America, Panama, Mexico, and the Prime Minister of Belize, known as Tuxtla II. At this Summit, special significance was given to migration questions within the framework of economic and social development in the region, and it was the first time that a multilateral framework for dialogue on migration issues included the countries of origin, transit, and destination, sharing a common problem from different points of view. This process has also contributed to greater articulation among the bodies responsible for executing migration and foreign policies.

- **Regional Consultative Group on migration**

This was a technical-operational outcome of the Puebla Conference, and its objective is to instrument the actions foreseen in the Plan of Action on Migrations, approved in 1997.

The Governments meeting in the II Regional Conference on Migrations agreed on a Plan of Action. It contains elements on migration policy, the relationships between development and migration, migrant trafficking, the role of international cooperation for the return of emigrants, Human Rights, and technical cooperation. Furthermore, it contemplates “appropriate treatment and assistance for male and female migrants, independent of their migration status, giving special attention to the special needs of women and children, the aged and the disabled, including their protection”.

General Secretariat of the Central American Integration System (SICA, *Secretaría General del Sistema de Integración de Centro América*)

SICA was established to provide follow-up for migration issues with regard to the agreements and regional Presidential Summits.

■ **The Triangle of Solidarity Project** (Proyecto “El Triángulo de Solidaridad”)

Drafted and promoted by the Government of Costa Rica with financing from the Rockefeller Foundation, its objective is to support the creation of temporary jobs in Nicaragua, especially in the construction sector, and to “slow down” the migration of Nicaraguans towards that country.

To analyse and specify the project, the forum on “Poverty Knows No Borders” was held recently, and the Minister from SAS participated together with the Mayors and Mayoresses from border municipalities from both countries. In the case of Nicaragua, the Municipalities of Rivas, Cárdenas, San Juan del Sur, San Carlos, San Miguelito, San Juan del Norte, El Almendro, El Castillo and Morrito participated.

On this occasion, the Mayors and Mayoresses presented a list of priorities to the Forum, among which one of the most important was the construction of access roads to allow them to market their products. However, Nicaraguan authorities interviewed in this regard consider that the construction of access roads between the countries would be of particular benefit to Costa Rica, due to the interest that it has with regard to the San Juan River, which is currently the object of a border dispute.

Conclusions and recommendations

Conclusions

In Nicaragua, internal migrations linked to seasonal agricultural labours or from the countryside to the cities seeking job alternatives, have long been a characteristic of the economic dynamics of the country. Ever since the 70's, the country has seen emigration movements, which have changed their characteristics and destinations over time. However, ever since 1993, there has been a renewed growth in these migration flows due to the deterioration of the economic situation, which has been born most heavily by the poorer sectors of the country, both urban and rural.

This new migration flow has chosen Costa Rica as its destination, seeking work and better wages, since in their country of origin, they cannot guarantee the minimum levels for survival for themselves and their families. This phenomenon affects almost all of the country, and current calculations place 19 per cent of Nicaraguans living abroad.

It is a domestic strategy, in which one family member emigrates in order to be able to guarantee support for the whole family. For this reason, recent studies call these migrant populations "economic refugees".

In fact, considering that the annual average remittance is US\$1'200'00, their impact on the family's economy is clear. They have become an important and irreplaceable support, creating a high degree of dependence on this source of income.

Furthermore, it is important to consider the impact of these remittances on the country's economy, since they have been calculated as the equivalent of between 65 per cent and 131 per cent of the country's exports, and between 29 per cent and 58 per cent of the nation's total imports.

Analysing the profile of the migrant population, it can be seen that it is a predominantly youthful population in which the number of women has been in constant escalation; remarkably, the percentage of women migrants doubled during the 90's, and at present female migration is as important a phenomenon as that of the men.

Most of the migrants are pendular; they leave the country for several months, and then return to Nicaragua to leave money for their families. In most cases they travel without the necessary documentation, remaining in the country of destination under an illegal status.

This same situation, together with the disadvantages of the social uprooting they have undergone, leaves the Nicaraguan migrants without coverage for their labour rights, and on many occasions, especially in the case of household maids, open to arbitrary treatment by their employers. Similarly, this has a bearing on their earning capacity and, in general, they subsist in conditions of vulnerability within the material, legal, social, and psychological realms.

Due to the characteristics of the pendular migration, the concept of "returnee" is very difficult to apply in reality, since the women that do return generally do so for a brief lapse, to visit their families, and then depart again. Furthermore, since this is a domestic survival strategy, in some cases there are role switches between those that emigrate and those that stay behind to care for the family, as noted above, so that the returnees once again become migrants and vice versa.

Among the most important social effects of migration, especially in the case of the women, is the rupture of the family fabric, which has emotional repercussions and causes restructuring of the domestic groups, with the aim of replacing their fundamental role in the reproduction of their households.

In Nicaragua, the causes behind male and female migration are the same, and the greatest variations occur in the types of employment in the destination country, where most women work as domestic help. However, there are other wage and job-type differentials. Nevertheless, the largest difference lies in the fact that the man, when he emigrates, leaves behind a household whose reproduction is guaranteed through the mother, spouse, or sister. On the other hand, when the women emigrate, they are profoundly insecure, since they have left behind their family and suffer from this separation, and many times, on their return, they have to assume the burden of a materially and morally divided family, especially with regard to the children, who have distanced themselves.

In spite of the magnitude of the problem, which involves almost 20 per cent of the individuals as direct migrants (a figure that would climb significantly if family dependants were included), the invisibility of the topic clamours loudly for our attention, it is absent from the nation's agenda, both publicly and privately. At the level of the competent institutions, save for rare exceptions, during this study we found no informed intermediaries sensitive to this issue. In contrast, especially on the part of the women, there have been accusations of a series of corrupt practices involving migration officials who take advantage of the vulnerability of the migrants, due to the conditions under which the migration process occurs, to extort money or sexual favours.

But even more serious is the fact that there is no "Government Position" towards the problem and its incidence on the country's political, social, and economic life. There are no specific laws or Governmental policies and programmes in this regard, which reflects a lack of political will on this issue.

In general, there are no initiatives or programmes aimed at migrant populations or at women in particular, in either the phase prior to emigration or in the return process. Neither are the Embassies and Consulates providing specific actions to protect the migrants in the country of destination.

We have seen some isolated and circumstantial responses, when the issue becomes acute, particularly with regard to relations with the receiving countries. Some of the bi-national agreements with Costa Rica constitute one expression of this, which, notwithstanding, are not in effect. At the same time, these agreements do not provide an adequate and concrete response to the reality, since putting them into operation implies a series of bureaucratic measures that actually exclude a majority of the migrant population. Finally, most of these agreements have not been followed-up due to resource shortages and inadequate mechanisms.

One Institution that has shown special interest for this issue has been the Office of the Ombudsman (*Procuraduría de los Derechos Humanos*). It has been one of the promoters of the Nicaraguan Forum on Migrations, the first public arena bringing together players from the State and civilian society to discuss and develop actions on this issue. It is a recently established institution that may play an important role in raising awareness and denouncing the problem even though, in the face of its institutional jurisdiction, it is unable to provide responses in terms of policies in that regard.

On the other hand, at the level of civilian society, there are few organisations concerned with the issue, in general they have done so through circumstantial interventions, in a majority of cases not coordinated with each other, and have not been able to sensitise and mobilize public opinion in this regard.

Among these initiatives, several are worth highlighting, particularly those related to defending the human and labour rights of the migrants. Similarly, some efforts aimed at the technical and professional training of the migrants and heightening their awareness as subjects of rights.

The efforts at coordination among the border municipalities take on particular importance, where they must face the problems at their origins, seeking to provide responses for the needs of the populace so that migration flows do not continue to increase.

Finally, and although only incipient, it is important to note the coordination among the labour organisations in both countries to defend the labour rights of the migrant populations.

With regard to the possibility of reintegrating the returnee population into the country's economic and social life, there is a general absence of initiatives precisely due to the rates of poverty, unemployment, and underemployment that characterise this population. In general, the only initiative that bears possibilities for the future for the male and female migrants and returnees is that of the Pablo Freire Institute.

Insofar as the reasons behind this lack of initiatives, a lack of a political will to confront the problem is evident, since to some degree migrations are providing a response to the needs of the poverty-stricken populations, within a situation of incapacity/impossibility on the part of the Government to face the poverty problem.

With regard to the trafficking of persons, there is practically no official information, although different officials admit that Nicaragua constitutes a part of one of the corridors in Latin America with the heaviest trafficking of women and children, who are used for sexual, organ, and illicit adoption trafficking.

This issue is also absent from public and private agendas. Particularly noteworthy is that although Nicaragua has a strong feminist movement, this has never promoted debates, accusations, or propositions in this regard.

Recommendations

1. The migration problem in Nicaragua is determined by the country's level of poverty, so that in any national strategy for the alleviation of poverty, primordial attention must be given to the migrant issue.
2. It is important to begin building a "Government Position" on this issue, recognising the role played by the migrant population with regard to the country's economy, by defining suitable policies and adapting the legislation in order to guarantee their human, labour, and citizen's rights.
3. The National Assembly, in particular, must heighten its awareness, inform, and work on this issue, by creating a specific commission to draft law proposals.
4. The ratification of the international conventions and treaties referring to migrant populations, particularly the "Convention for the Protection of Migrants and their Families".
5. The results from the bi-national meetings and conventions between Nicaragua and Costa Rica should be implemented, in an attempt to resolve the problem and guarantee protection for the male and female migrants, particularly with regard to granting them migration documentation covering extended periods that do not require involved bureaucratic processing and do not imply high costs for this population.

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6. It is important to establish mechanisms and agencies to coordinate among the competent Governmental institutions to diagnose the needs, execute the actions, and provide follow-up for this problem.
 7. With regard to trafficking of women and children, attempts are being made to approach this problem, defining instruments and mechanisms that would allow a diagnosis of the situation, aimed at intervening by means of specific laws and concrete actions. In particular, there is a need for establishing coordination among the Chancellery, the Consulates in different destination countries, Migration and Alien Status, and the National Police.
 8. The work performed by the municipalities is irreplaceable, particularly those that are the migrant population “sending” municipalities, in order to diagnose the phenomenon, promote concrete actions to confront the problem at the source, and so that the migration phenomenon does not continue to grow.
 9. Provide support for the activities of the Office of the Ombudsman (*Procuraduría de Derechos Humanos*) to foster actions aimed at heightening the awareness of the problem, to provide a response to the accusations of rights violations, and to provide direction in the design of policies and programmes in this regard.
 10. Particular emphasis should be given to support for FONIMI, as a coordinating agency for the exchange of experiences and to draft proposals involving different actors from the Government, civilian society, and international co-operation.
 11. An urgent task for civilian society and the communications media is to heighten awareness through studies, forums, and debates at the national level on this issue.
 12. The women’s movement should assume this topic as part of their agenda.
 13. It is important to continue developing initiatives directed at defending and promoting the human and labour rights of the migrant populations, through the bodies that have been set up for that purpose. The efforts at coordination of the labour and sectorial organisations in both countries must also continue.
 14. The programmes oriented to technical and professional training of the migrant populations, for their personal and employment advancement, must also be strengthened.

Training processes must be developed that promote the strengthening of the migrants’ awareness of being persons subject to rights. They must be aware of the labour legislation and competent organisations to which they may recur to find a response for their needs in the countries of origin and destination.

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Appendix 1

Individuals interviewed

1. Bonilla, Marta. *Casa de la Mujer*. Rivas
2. Bravo, Alejandro. Executive Director. Municipal Association of Nicaragua (*Asociación de Municipios de Nicaragua*), AMUNIC.
3. Castillo, Melba, Consultant UNDP
4. Castillo, Haydé, Co-ordinator Bi-National Project
5. Cranshaw, Marta, Independent Consultant
6. Estrada, Jorge. Director. CARITAS Nicaragua.
7. Erickson, Linda. Gender Focal Point. International Organisation for Migrations, IOM.
8. Fonseca, Miriam. General Director Consular Affairs. Ministry of Foreign Affairs.
9. García, Idalia. Project Advisor: “Erradicación de la Pobreza Extrema”(Eradication of Extreme Poverty), PROEZA. Social Action Secretariat, SAS
10. Gaitán, Eduardo. Advisor, Migration Assistance. General Directorate of Migration and Alien Status.
11. Gamboa, Maribel. General Director. General Directorate of Employment and Wages. Ministry of Labour.
12. Guzmán, Luis. Director of Education. Higher Institute of Education, Pablo Freire Institute.
13. López Bravo, Manuel. Director. Technical Secretariat. General Directorate of Migration and Alien Status.
14. Malespín, Norma Vida. Director of Population Policy. Social Action Secretariat, SAS
15. Morales, Andrea. Responsible, Women’s Secretariat Sandinista Workers’ Central, CST.
16. Pérez, Francisco. Member. Labour Commission. National Assembly of Nicaragua.
17. Quinto, Javier. Responsible for the Office for Migration Affairs Assistance. Office of the Ombudsman (*Procuraduría de Derechos Humanos*).
18. Rosales, Juan Ignacio. Journalist. *Diario La Prensa*
19. Sequeira, María Elena. Field Workers’ Association, ATC (*Asociación de Trabajadores del Campo*). Responsible, Women’s Secretariat
20. Urcuyo, Axel. Legal Advisor. Department of Human Migration. CARITAS Nicaragua.

Municipal Governments

Belén

21. Peña, Felix. Mayor
22. Pérez Mora , Juan de la Cruz. Vice-Mayor
23. Morales, José Gabriel. Council Secretary
24. Rocha, Nancy. Secretary

Rivas

25. Urtecho, Mauricio. Mayor
26. Masis, Cecilia. Responsible for Social Programmes, Mayor's Office, Rivas

Focus groups

Belén/Women that have returned

27. Aguilar, Eugenia.
28. Espinoza, María José.
29. Méndez, Rosario
30. Ortiz, Cándida Rosa.
31. Salinas, Marquesa
32. Zeas, Estela María
33. Zúñiga, Esther
34. Delgado, Lidia

Belén/Men that have returned

35. Chávez Reyes, Fausto
36. Espinoza, Denis Antonio
37. Gutiérrez Espinoza, William José
38. Méndez Pérez, Pablo Emilio
39. Peña Duarte, Arsenio Isabel
40. Pérez, Franklin Talavera
41. Umaña Rivera, Juan Carlos

Rivas/Women that have returned

- 42. Altamirano, Berta.
- 43. Briones, Ana María
- 44. Peña, Daysi
- 45. Ruiz, María Teresa
- 46. Ruiz, Ana Carolina
- 47. Solís, Justa Lidia.
- 48. Lizette María
- 49. Teresa de Jesús

Rivas/Belén, women wanting to emigrate

- 50. Collado, Ana Paula
- 51. Chávez, Belkin
- 52. Flores, Maribel
- 53. Lira Maritza
- 54. Pérez, Karina
- 55. Rodríguez, Emigdia
- 56. Rojas, Leonela
- 57. Romero, Leslie
- 58. Ugarte, Mary