

Legal questionnaire completed by Consortium Legal • March 2024

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1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your country):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

Article 2 of Law No. 287 “Code of Childhood and Adolescence” provides the following definition:

Arto. 2. El presente Código considera como niña y niño a los que no hubiesen cumplido los 13 años de edad y adolescente a los que se encuentren entre los 13 y 18 años de edad, no cumplidos.

[Unofficial translation: Art. 2. The present Code considers as child those who have not reached 13 years of age and adolescent those who are between 13 and 18 years of age.]

<http://legislacion.asamblea.gob.ni/gacetas/1998/5/g97.pdf>

b. child sexual exploitation (Missing Children’s Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

I. Child sexual exploitation is not specifically defined, however, we consider Article 31 of Law No. 1042 “Special Law on Cybercrimes” to be relevant for the purpose of this definition:

[Unofficial translation: Article 31 Use of children, adolescents or persons with disabilities in need of special protection, in pornography through the use of information and communication technologies: Whoever, through the use of Information and Communication Technologies, induces, facilitates, promotes, uses, abuses or exploits for sexual or erotic purposes children, adolescents or persons with disabilities in need of special protection, making them witness or participate in a public or private sexual behavior, show or act, shall be sentenced to five to eight years of imprisonment and three hundred to six hundred days fine. In none of the cases described in the preceding paragraph is the consent of the victim recognized as having any value.]



Special Law on Cybercrimes:

<http://legislacion.asamblea.gob.ni/gacetitas/2020/10/g201.pdf>

- II. Child sexual exploitation is not specifically defined, however, we consider Article 175 and 176 of Law No. 641 “Criminal Code” to be relevant for the purpose of this definition:

[Unofficial translation: Art. 175. Sexual exploitation, pornography and sexual acts with adolescents for payment.

Whoever induces, facilitates, promotes or uses for sexual or erotic purposes persons under sixteen years of age or disabled, making them witness or participate in a public or private behavior or spectacle, even if the victim consents to witness such behavior or participate in it, shall be punished with five to seven years of imprisonment and four to six years of imprisonment, when the victim is older than sixteen and younger than eighteen years of age.

Whoever promotes, finances, manufactures, reproduces, publishes, commercializes, imports, exports, disseminates, distributes material for purposes of sexual exploitation, by any means, whether direct, mechanical, digital, audio visual, or with computer, electronic or any other type of support, the image, or the voice of a person under eighteen years of age in sexual or erotic activity, real or simulated, explicit or implicit, or the representation of their genitals for sexual purposes, shall be punished with imprisonment of five to seven years and a fine of one hundred and fifty to five hundred days.

Whoever, for purposes of sexual exploitation, possesses pornographic or erotic material in the terms expressed in the preceding paragraph, shall be punished with one to two years of imprisonment.

Whoever performs a sexual or erotic act with a person over fourteen years of age and under eighteen years of age of any sex, paying or promising to pay or give in exchange an economic advantage to such person, shall be punished with one to two years imprisonment.]

[Unofficial translation: Art. 176 Specific aggravating circumstances in the case of sexual exploitation, pornography and sexual acts with adolescents for payment:

The penalty shall be six to eight years of imprisonment when:

- a) The act is executed for profit;
- b) The perpetrator or perpetrators are part of a group organized to commit crimes of a sexual nature, except when the crime of organized crime is involved;
- c) There is deception, violence, abuse of authority or any means of intimidation or coercion; or
- d) The perpetrator commits the crime taking advantage of a relationship of superiority, authority, kinship, dependence or trust with the victim, or of permanently sharing the family home with the victim.



If two or more of the circumstances foreseen concur, the penalty to be imposed shall be seven to nine years of imprisonment. The maximum penalty shall be imposed when the victim is a disabled person or a minor under fourteen years of age.]

Criminal Code: <http://legislacion.asamblea.gob.ni/gacetas/2008/5/g87.pdf>

- c. **sexually explicit conduct (18 U.S.C. 2256(2),**
<https://www.law.cornell.edu/uscode/text/18/2256>)

There are no related legal provisions in Nicaragua.

- d. **child sexual abuse (18 U.S.C. 2243(a),** <https://www.law.cornell.edu/uscode/text/18/2243>)

Child sexual abuse is not specifically defined, however, we consider Article 172 of Law No. 641 “Criminal Code” to be relevant for the purpose of this definition:

Art. 172 Abuso sexual: Quien realice actos lascivos o lúbricos tocamientos en otra persona, sin su consentimiento, u obligue a que lo realice, haciendo uso de fuerza, intimidación o cualquier otro medio que la prive de voluntad, razón o sentido, o aprovechando su estado de incapacidad para resistir, sin llegar al acceso carnal u otras conductas previstas en el delito de violación, será sancionado con pena de prisión de cinco a siete años. Cuando en la comisión del delito se dé alguna de las circunstancias de la violación agravada, la pena será de siete a doce años de prisión. Si concurren dos o más de dichas circunstancias o la víctima sea niña, niño, o adolescente se impondrá la pena máxima. No se reconoce, en ninguno de los supuestos, valor al consentimiento de la víctima cuando ésta sea menor de catorce años de edad, o persona con discapacidad o enfermedad mental.

[Unofficial translation: Art. 172 Sexual abuse: Whoever performs lewd or lubricious touching acts on another person, without his consent, or forces him to do so, using force, intimidation or any other means that deprives him of will, reason or sense, or taking advantage of his state of incapacity to resist, without reaching carnal access or other conducts provided for in the crime of rape, shall be punished with imprisonment of five to seven years. When in the commission of the crime there are any of the circumstances of aggravated rape, the penalty shall be seven to twelve years of imprisonment. If two or more of said circumstances concur or the victim is a child or adolescent, the maximum penalty will be imposed. The consent of the victim is not recognized in any of the cases when the victim is under fourteen years of age, or a person with a disability or mental illness.]

Criminal Code: <http://legislacion.asamblea.gob.ni/gacetas/2008/5/g87.pdf>

- e. **child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8),**
<https://www.law.cornell.edu/uscode/text/18/2256>)

Child pornography or child sexual abuse material are not specifically defined, however, we consider Articles 175 and 176 of Law No. 641 “Criminal Code” and article 31 of Law No. 1042 “Special Law on Cybercrimes” to be relevant for the purpose of this definition:

[Unofficial translation: Art. 175. Sexual exploitation, pornography and sexual acts with adolescents for payment.



Whoever induces, facilitates, promotes or uses for sexual or erotic purposes persons under sixteen years of age or disabled, making them witness or participate in a public or private behavior or spectacle, even if the victim consents to witness such behavior or participate in it, shall be punished with five to seven years of imprisonment and four to six years of imprisonment, when the victim is older than sixteen and younger than eighteen years of age.

Whoever promotes, finances, manufactures, reproduces, publishes, commercializes, imports, exports, disseminates, distributes material for purposes of sexual exploitation, by any means, whether direct, mechanical, digital, audio visual, or with computer, electronic or any other type of support, the image, or the voice of a person under eighteen years of age in sexual or erotic activity, real or simulated, explicit or implicit, or the representation of their genitals for sexual purposes, shall be punished with imprisonment of five to seven years and a fine of one hundred and fifty to five hundred days.

Whoever, for purposes of sexual exploitation, possesses pornographic or erotic material in the terms expressed in the preceding paragraph, shall be punished with one to two years of imprisonment.

Whoever performs a sexual or erotic act with a person over fourteen years of age and under eighteen years of age of any sex, paying or promising to pay or give in exchange an economic advantage to such person, shall be punished with one to two years imprisonment.]

[Unofficial translation: Art. 176 Specific aggravating circumstances in the case of sexual exploitation, pornography and sexual acts with adolescents for payment:

The penalty shall be six to eight years of imprisonment when:

- a) The act is executed for profit;
- b) The perpetrator or perpetrators are part of a group organized to commit crimes of a sexual nature, except when the crime of organized crime is involved;
- c) There is deception, violence, abuse of authority or any means of intimidation or coercion; or
- d) The perpetrator commits the crime taking advantage of a relationship of superiority, authority, kinship, dependence or trust with the victim, or of permanently sharing the family home with the victim.

If two or more of the circumstances foreseen concur, the penalty to be imposed shall be seven to nine years of imprisonment. The maximum penalty shall be imposed when the victim is a disabled person or a minor under fourteen years of age.]

Criminal Code: <http://legislacion.asamblea.gob.ni/gacetitas/2008/5/g87.pdf>

[Unofficial translation: Article 31 Use of children, adolescents or persons with disabilities in need of special protection, in pornography through the use of information and communication technologies:

Whoever, through the use of Information and Communication Technologies, induces,



facilitates, promotes, uses, abuses or exploits for sexual or erotic purposes children, adolescents or persons with disabilities in need of special protection, making them witness or participate in a public or private sexual behavior, show or act, shall be sentenced to five to eight years of imprisonment and three hundred to six hundred days fine.

In none of the cases described in the preceding paragraph is the consent of the victim recognized as having any value.]

Special Law on Cybercrimes: <http://legislacion.asamblea.gob.ni/gacetas/2020/10/g201.pdf>

- f. **computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

Computer-generated images or videos of child pornography or CSAM is not specifically defined, however, we consider Articles 175 and 176 of Law No. 641 “Criminal Code” and article 31 of Law No. 1042 “Special Law on Cybercrimes” to be relevant for the purpose of this definition:

[Unofficial translation: Art. 175. Sexual exploitation, pornography and sexual acts with adolescents for payment.

Whoever induces, facilitates, promotes or uses for sexual or erotic purposes persons under sixteen years of age or disabled, making them witness or participate in a public or private behavior or spectacle, even if the victim consents to witness such behavior or participate in it, shall be punished with five to seven years of imprisonment and four to six years of imprisonment, when the victim is older than sixteen and younger than eighteen years of age.

Whoever promotes, finances, manufactures, reproduces, publishes, commercializes, imports, exports, disseminates, distributes material for purposes of sexual exploitation, by any means, whether direct, mechanical, digital, audio visual, or with computer, electronic or any other type of support, the image, or the voice of a person under eighteen years of age in sexual or erotic activity, real or simulated, explicit or implicit, or the representation of their genitals for sexual purposes, shall be punished with imprisonment of five to seven years and a fine of one hundred and fifty to five hundred days.

Whoever, for purposes of sexual exploitation, possesses pornographic or erotic material in the terms expressed in the preceding paragraph, shall be punished with one to two years of imprisonment.

Whoever performs a sexual or erotic act with a person over fourteen years of age and under eighteen years of age of any sex, paying or promising to pay or give in exchange an economic advantage to such person, shall be punished with one to two years imprisonment.]

[Unofficial translation: Art. 176 Specific aggravating circumstances in the case of sexual



exploitation, pornography and sexual acts with adolescents for payment:

The penalty shall be six to eight years of imprisonment when:

- a) The act is executed for profit;
- b) The perpetrator or perpetrators are part of a group organized to commit crimes of a sexual nature, except when the crime of organized crime is involved;
- c) There is deception, violence, abuse of authority or any means of intimidation or coercion; or
- d) The perpetrator commits the crime taking advantage of a relationship of superiority, authority, kinship, dependence or trust with the victim, or of permanently sharing the family home with the victim.

If two or more of the circumstances foreseen concur, the penalty to be imposed shall be seven to nine years of imprisonment. The maximum penalty shall be imposed when the victim is a disabled person or a minor under fourteen years of age.]

Criminal Code: <http://legislacion.asamblea.gob.ni/gacetas/2008/5/g87.pdf>

[Unofficial translation: Article 31 Use of children, adolescents or persons with disabilities in need of special protection, in pornography through the use of information and communication technologies:

Whoever, through the use of Information and Communication Technologies, induces, facilitates, promotes, uses, abuses or exploits for sexual or erotic purposes children, adolescents or persons with disabilities in need of special protection, making them witness or participate in a public or private sexual behavior, show or act, shall be sentenced to five to eight years of imprisonment and three hundred to six hundred days fine. In none of the cases described in the preceding paragraph is the consent of the victim recognized as having any value.]

Special Law on Cybercrimes:

<http://legislacion.asamblea.gob.ni/gacetas/2020/10/g201.pdf>

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)**

Enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) is not specifically defined, however, we consider Articles 31 and 32 of Law No. 1042 “Special Law on Cybercrimes” to be relevant for the purpose of this definition:

Artículo 31 Utilización de niñas, niños, adolescentes o personas con discapacidad necesitada de especial protección, en pornografía a través del uso de las Tecnologías de la Información y la Comunicación:

Quien, por medio del uso de las Tecnologías de la Información y la Comunicación, induzca, facilite, promueva, utilice, abuse o explote con fines sexuales o eróticos a niñas, niños, adolescentes o personas con discapacidad necesitada de especial



protección, haciéndola presenciar o participar en un comportamiento, espectáculo o acto sexual público o privado, se le impondrá pena de cinco a ocho años de prisión y trescientos a seiscientos días multa. No se reconoce, en ninguno de los supuestos descritos en el párrafo anterior, valor al consentimiento de la víctima.

[Unofficial translation: Article 31 Use of children, adolescents or persons with disabilities in need of special protection, in pornography through the use of information and communication technologies:

Whoever, through the use of Information and Communication Technologies, induces, facilitates, promotes, uses, abuses or exploits for sexual or erotic purposes children, adolescents or persons with disabilities in need of special protection, making them witness or participate in a public or private sexual behavior, show or act, shall be sentenced to five to eight years of imprisonment and three hundred to six hundred days fine. In none of the cases described in the preceding paragraph is the consent of the victim recognized as having any value.]

Artículo 32 Corrupción a personas menores de 16 años o personas con discapacidad necesitada de especial protección a través del uso de las Tecnologías de la Información y la Comunicación:

Toda persona mayor de 18 años que haga propuestas implícitas o explícitas a personas menores de 16 años o personas con discapacidad necesitada de especial protección para sostener encuentros de carácter sexual o erótico, o para la producción de pornografía a través del uso de las Tecnologías de la Información y la Comunicación para sí o para terceros, se le impondrá pena de uno a tres años de prisión.

[Unofficial translation: Article 32 Corruption of persons under 16 years of age or persons with disabilities in need of special protection through the use of Information and Communication Technologies:

Any person over 18 years of age who makes implicit or explicit proposals to persons under 16 years of age or persons with disabilities in need of special protection to hold meetings of a sexual or erotic nature, or for the production of pornography through the use of Information and Communication Technologies for himself or for third parties, shall be sentenced to one to three years of imprisonment.]

Special Law on Cybercrimes: <http://legislacion.asamblea.gob.ni/gacetas/2020/10/g201.pdf>

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

There are no specific legal provisions regarding the legal age of consent for sexual activities, however, as a general rule, the age of majority applies as established in the Article 301 of the Family Code, that establishes:

Art. 301 Edad para obtención de la mayoría de edad: Para todos los efectos la mayoría de edad se fija, sin distinción de sexo, a los dieciocho años de edad cumplidos. El o la mayor



de edad puede disponer libremente de su persona y bienes y demandar la entrega de sus bienes que hubiesen estado en administración de terceras personas. Las personas menores de dieciocho y mayores de dieciséis años de edad cumplidos, pueden emanciparse por alguna de las siguientes vías:

- a) Por autorización del padre y la madre;
- b) Por declaración judicial;
- c) Por matrimonio.

[Unofficial translation: Art. 301 Age at which majority is obtained: For all purposes the age of majority is fixed, without distinction of sex, at eighteen years of age. The adult may freely dispose of his or her person and property and demand the delivery of his or her property that had been in the administration of third persons. Persons under eighteen and over sixteen years of age may be emancipated by one of the following ways:

- a) By authorization of the father and mother;
- b) By judicial declaration;
- c) By marriage.]

Family Code: <http://legislacion.asamblea.gob.ni/gacetitas/2014/10/g190.pdf>

- i. **Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)**

There are no related legal provisions in Nicaragua.

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

- a. **review, screen, moderate, or detect content to identify child pornography or CSAM content**

There are no related legal provisions in Nicaragua.

- b. **review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child**

There are no related legal provisions in Nicaragua.

- c. **report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

There are no related legal provisions in Nicaragua.

- d. **remove or take down any child pornography, CSAM, enticement, grooming, or sextortion**



that they identify, become aware of, or are notified about

There are no related legal provisions in Nicaragua.

- e. **review content by human moderators to screen or moderate for child pornography or CSAM**

There are no related legal provisions in Nicaragua.

- f. **remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency**

There are no related legal provisions in Nicaragua.

- g. **use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:**
 - i. **“Hashing technology”** (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. **Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.**

There are no related legal provisions in Nicaragua.

- h. **if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?**

There are no related legal provisions in Nicaragua.

- 3. **Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?**

There are no related legal provisions in Nicaragua.

- 4. **Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?**

There are no related legal provisions in Nicaragua.

- 5. **Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:**

NO

- a. **The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?**

There are no related legal provisions in Nicaragua.

- b. **An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?**

There are no related legal provisions in Nicaragua.

- c. **An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?**

There are no related legal provisions in Nicaragua.

- d. **A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?**

There are no related legal provisions in Nicaragua.

- e. **the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?**

There are no related legal provisions in Nicaragua.

- f. **the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

There are no related legal provisions in Nicaragua.

- g. **notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

There are no related legal provisions in Nicaragua.

6. **"Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.**

- a. **Are Online Platforms legally required to incorporate "Safety by Design" into their systems?**

There are no related legal provisions in Nicaragua.

- i. **If so, must these steps be taken before the launch of an Online Platform?**

There are no related legal provisions in Nicaragua.

- ii. **If so, if an Online Platform has already been in public use, when must they**



have incorporated “Safety be Design” measures?

There are no related legal provisions in Nicaragua.

iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.

There are no related legal provisions in Nicaragua.

b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform’s incorporation of “Safety by Design”?

There are no related legal provisions in Nicaragua.