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[Home](#) > Panama

## Panama

**Country:**

Panama

**Year:**

2018

**Freedom Status:**

Free

**Political Rights:**

2

**Civil Liberties:**

2

**Aggregate Score:**

83

**Freedom Rating:**

2.0

**Overview:**

Panama's political institutions are democratic, with competitive elections and orderly rotations of power. Freedoms of expression and association are generally respected. However, corruption and impunity are serious challenges, affecting the justice system and the highest levels of government. Discrimination against racial minorities is common, and indigenous groups have struggled to uphold their legal rights with respect to land and development projects.

**Political Rights and Civil Liberties:**

### **POLITICAL RIGHTS: 35 / 40**

#### **A. ELECTORAL PROCESS: 12 / 12**

**A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4**

The president is elected by popular vote for a single five-year term. In 2014, incumbent vice president Juan Carlos Varela of the Panameñista Party (PP) won the presidency with 39 percent of the national vote. Former housing minister José Domingo Arias of

Democratic Change (CD) won 31 percent, and former Panama City mayor Juan Carlos Navarro of the Democratic Revolutionary Party (PRD) won 28 percent, with four other candidates splitting the remaining votes. International observers considered the elections generally free and fair, though the Organization of American States and the International Republican Institute criticized executive interference in the electoral process, including through the misuse of public resources, and noted that campaign financing was poorly regulated.

**A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4**

Members of the 71-seat unicameral legislature, the National Assembly, are elected for five-year terms. The 2014 elections were held concurrently with the presidential vote, drawing the same assessment from international monitors. The United for Change alliance—formed by the CD and the Nationalist Republican Liberal Movement (MOLIRENA)—won 32 seats, followed by the PRD with 25, the PP with 10, and the Popular Party with 3; one independent candidate also won a seat.

**A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4**

The country's electoral framework is generally fair and impartially implemented. The Electoral Tribunal of Panama (TE) is responsible for reviewing the electoral code after each election and submitting any reforms to the National Assembly. In April 2017, the legislature adopted reforms proposed by the TE in 2016 that included tighter regulation of campaign donations, spending, and advertising. For example, the legislation imposed a cap on private funding for presidential and National Assembly campaigns and reduced the length of the campaign periods for primary and general elections. President Varela signed the changes into law in May.

**B. POLITICAL PLURALISM AND PARTICIPATION: 15 / 16**

**B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4**

Political parties are free to form and compete in Panama's multiparty system, and since the 2014 elections, candidates have also been able to register as independents.

**B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4**

Elections are competitive in practice, and orderly transfers of power between rival parties have been the norm since the end of de facto military rule in 1989.

**B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4**

Voters and candidates are generally free from undue interference by groups outside the political system, though the threat that improper donations by drug traffickers and other powerful interests could influence the political process remains a concern, even after the campaign finance reforms introduced in 2017.

**B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 3 / 4**

Women are free to participate in politics, and women's advocacy organizations have campaigned to improve their representation in elected offices. The electoral code requires gender parity in internal party primary systems, but in practice this has not led to more women winning general elections. Less than 20 percent of National Assembly seats went to women in the 2014 elections.

The country's racial minorities and LGBT (lesbian, gay, bisexual, and transgender) community continue to face obstacles to the full exercise of their political rights, which are equal under the law. In May 2017, activists created a new progressive party with a platform that included legalization of same-sex marriage. The constitution establishes five indigenous territories—three at the provincial level and two at the municipal level—and these are duly represented in the system of constituencies for the National Assembly, but the interests of indigenous people remain inadequately addressed by the political system as a whole.

**C. FUNCTIONING OF GOVERNMENT: 8 / 12**

**C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4**

The elected government and legislature generally determine and implement laws and policies, though evidence of official corruption has raised concerns about the possibility that unelected entities could unduly influence governance.

**C2. Are safeguards against official corruption strong and effective? 2 / 4**

Safeguards against official corruption are relatively weak and ineffective, and investigations have revealed extensive corruption in previous administrations. The current government has been criticized for inaction on this issue, though the president remains publicly supportive of anticorruption efforts. During 2017, the legislature held up several proposed reforms designed to strengthen protections against official malfeasance and money laundering.

Two ministers from the administration of former president Martinelli were arrested in September 2017 for alleged money laundering in connection with the Odebrecht case, a massive corruption scandal centered on a Brazilian construction firm that has affected much of Latin America. Martinelli, who has faced multiple investigations himself, was arrested in the United States in June and was awaiting possible extradition at year's end.

A number of officials from the current administration and members of the National Assembly have resigned after being implicated in corruption and other wrongdoing. In

November, President Varela admitted to receiving donations for his 2009 vice-presidential campaign from an individual with ties to Odebrecht, but said the funds were received legally and reported to the TE.

**C3. Does the government operate with openness and transparency? 2 / 4**

The law provides mechanisms for public access to government information, but the government often does not operate with transparency in practice. The National Authority for Transparency and Access to Public Information (ANTAI) reported in September 2017 that just over 50 percent of state institutions do not act in accordance with a 2002 transparency law. Journalists also report difficulties in accessing public information.

## **CIVIL LIBERTIES: 48 / 60**

### **D. FREEDOM OF EXPRESSION AND BELIEF: 15 / 16**

**D1. Are there free and independent media? 3 / 4**

News consumers have access to a wide variety of private media outlets that present a range of views, but the constitutional guarantee of freedom of the press is not consistently upheld. Libel is both a civil and a criminal offense, and cases are filed against journalists in practice. Independent, critical journalists and outlets reportedly face editorial pressure from the government, and Varela publicly complained of negative coverage during 2017.

**D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4**

The constitution recognizes Roman Catholicism as the majority religion and requires general “respect for Christian morality and public order,” but freedom of religion is otherwise guaranteed and broadly upheld in practice.

**D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4**

The government generally honors academic freedom, and the schools are free from political indoctrination.

**D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4**

Private discussion is free and vibrant, and use of social media platforms for the expression of personal views is not restricted. Former president Martinelli has been accused of illegally wiretapping more than 150 perceived opponents, but the operation was apparently dismantled at the end of his term.

### **E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 11 / 12**

**E1. Is there freedom of assembly? 4 / 4**

Freedom of assembly is generally respected, and peaceful demonstrations are common, though protests that block roads and highways often result in arrests and altercations with police.

**E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4**

Nongovernmental organizations operate freely, but some activists—particularly those focused on environmental issues and indigenous rights—have complained of harassment and intimidation, including through lawsuits by private companies.

**E3. Is there freedom for trade unions and similar professional or labor organizations? 3 / 4**

The law generally protects workers' rights to unionize, bargain collectively, and engage in legal strikes. However, enforcement of labor protections is inadequate, and labor-related protests frequently feature clashes with police.

**F. RULE OF LAW: 10 / 16**

**F1. Is there an independent judiciary? 2 / 4**

The country's judicial system is plagued by corruption and inefficiency. Public disagreements between the attorney general's office and judges over rulings that impeded major corruption cases during 2017 raised doubts about whether such cases would be heard impartially.

**F2. Does due process prevail in civil and criminal matters? 2 / 4**

In August 2017, the attorney general claimed that prosecutors working on corruption investigations had received threats and pressure from powerful elites. Police and other security forces are themselves prone to corruption and other abuses. Officers were implicated during the year in cases involving drug trafficking and organized crime. The justice system features extensive use of lengthy pretrial detention, with pretrial detainees accounting for a majority of prison inmates.

**F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4**

Police have been accused of beatings and other forms of excessive force, including while dispersing protests. The prison system is marked by overcrowding, lack of security, and poor health conditions.

The illegal drug trade and related criminal violence remain problems, though the homicide rate is well below those of most countries in the region. The number of homicides declined slightly to 412 in 2017, from 416 in 2016 and 493 in 2015, according to statistics from the attorney general's office.

**F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 3 / 4**

Discrimination based on gender, race, and other such categories is prohibited by law, but sexual orientation and gender identity are not covered, and racial minorities—including indigenous people, Panamanians of African descent, and certain immigrant groups—face some discrimination in practice. Indigenous communities enjoy a significant degree of autonomy and self-government, but many live in poverty and lack equal access to basic services.

During 2017, the government took several steps to curb illegal immigration, tightening restrictions on the length and renewal of tourist visas for some countries and stepping up the deportation of migrants without documentation. An influx of migrants and asylum seekers from Venezuela, Cuba, and other troubled countries in the region has stoked anti-immigrant sentiment in recent years.

## **G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 12 / 16**

### **G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4**

The government generally respects freedom of internal movement and foreign travel.

### **G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 3 / 4**

Individuals can own private property and establish businesses freely, but there are some practical impediments to defending property rights and operating businesses, including corruption and interference from organized crime.

Although indigenous groups have substantial land rights under the law, implementation has been problematic. Such groups have long protested the encroachment of illegal settlers on their lands, government delays in the formal demarcation of collective land, and large-scale development projects that proceed despite dissent within indigenous communities.

### **G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 3 / 4**

Personal social freedoms are largely unrestricted. However, domestic violence is a concern; according to official statistics, 7 percent of reported crimes are related to domestic violence, and 3,967 domestic violence cases were registered in 2017. Abortion is permitted in cases of rape or incest or to preserve the life or health of the woman, though there are significant procedural obstacles as well as potential penalties for abortions that do not meet the legal standard.

In October 2017, the Supreme Court rejected a constitutional challenge to provisions of the family code that ban same-sex marriage, but the ruling left open the possibility that the National Assembly could ease the ban through legislation.

### **G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 2 / 4**

Human trafficking for sexual exploitation and forced labor remains a serious problem despite some government efforts to combat it. Both Panamanian and migrant workers in certain sectors—including the agricultural sector, where many workers are indigenous people—are subject to exploitative working conditions. Enforcement of basic labor protections is weak in rural areas and among informal workers.

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