



FREEDOM IN THE WORLD 2020

Panama

84
/100

FREE

<u>Political Rights</u>	36 /40
<u>Civil Liberties</u>	48 /60

LAST YEAR'S SCORE & STATUS

84 /100 **Free**

Global freedom statuses are calculated on a weighted scale. See the methodology.



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.

Key Developments in 2019

- In May, former legislator and businessman Laurentino Cortizo was elected president on the Democratic Revolutionary Party (PRD) ticket, narrowly defeating the Democratic Change (CD) candidate. José Blandón, who ran for the then ruling Panameñista Party (PP), polled in fourth place.
- President Cortizo's constitutional reform package was introduced in July, but legislators altered proposed anticorruption measures and attempted to strengthen a ban on same-sex marriage. The government withdrew the package in December and announced the formation of a national dialogue to be coordinated with the UN Development Programme (UNDP).
- Major protests were held in the capital in October, as demonstrators denounced the constitutional reform package. Authorities responded with force, using tear gas and pellets to disperse them, and 96 protesters faced pending charges at year's end.
- Corruption cases against former president Ricardo Martinelli and his two sons continued; Martinelli, who was implicated in the Odebrecht money-laundering case, was acquitted in August. His sons faced extradition to Panama from the United States at year's end on charges stemming from the Odebrecht case.

TOP

Political Rights

A. Electoral Process

A1 0-4 pts

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, and cannot serve a second consecutive term. In May 2019, Laurentino Cortizo of the PRD was elected president with 33.3 percent of the vote. The CD candidate, Rómulo Roux, won 31 percent of the vote, independent candidate Ricardo Lombana won 18.8 percent of the vote, José Blandón of the PP won 10.8 percent, and Ana Matilde Gómez, another independent candidate, won 4.8 percent. Roux initially refused to concede, claiming that the election was marred by voting irregularities. However, Organization of American States (OAS) election monitors described the contest as orderly in a preliminary statement.

A2 0-4 pts

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 2019 elections were held simultaneously with the presidential race and local contests. The PRD won 35 seats, while the CD won 18, the PP won 8, and the United for Change alliance (MOLIRENA) won 5. Another 5 seats went to independents.

A3 0-4 pts

TOP

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 2017, the legislature adopted reforms proposed by the TE in 2016 that included tighter regulation of campaign donations, spending, and advertising.

The TE also lengthened the ban on publishing opinion polls to 20 days before an election, but National Television Channel 2 (TVN) sued to reverse this change in 2018. The reform was ruled unconstitutional in February 2019, and the TE shortened the ban to 48 hours in response to the ruling.

B. Political Pluralism and Participation

B1 0-4 pts

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. Electoral regulations adopted in 2017 reduced the number of signatures an independent needs to run for office, and specified that only the top three recipients of signatures would be included in the presidential ballot. The main political parties formally registered their 2019 electoral coalitions in late 2018, while the TE announced the three independent candidates in January 2019.

TOP

B2 0-4 pts

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 0-4 pts

Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?

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 0-4 pts

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

3/4

The law does not limit the political rights of any segment of the citizen population. 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. Only 22.5 percent of National Assembly seats went to women in the 2019 election. That election also saw the first woman from the Guna indigenous group take her seat. **TOP**

The country's racial minorities and LGBT+ community continue to face obstacles to the full exercise of their political rights. In 2017, activists created a new progressive

party, Creemos, with a platform that included legalization of same-sex marriage, but it failed to gain traction and earned no seats in 2019.

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, who make up about 11 percent of the population, remain inadequately addressed by the political system as a whole.

C. Functioning of Government

C1 0-4 pts

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 without interference, though evidence of official corruption has raised concerns about the possibility that unelected entities could unduly influence governance.

C2 0-4 pts

Are safeguards against official corruption strong and effective?

2/4

Safeguards against official corruption are relatively weak and ineffective, due in part to irregular application of the laws and a lack of resources for the judicial system. The Special Anti-Corruption Prosecutor's Office was formed in 2017 to prosecute those accused of corruption, but has failed to secure convictions in many of these cases.

Investigations have revealed extensive corruption in several presidential administrations. Two ministers who served under former president Ricardo Martinelli (2009–14) were arrested in 2017 for alleged money laundering in connection with the Odebrecht case, a corruption scandal centered on a Brazilian construction firm that affected much of Latin America. Martinelli, who has faced multiple investigations himself, was arrested in the United States in 2017 and extradited to Panama in 2018. Martinelli was tried on charges including wiretapping and the improper use of state funds, but was found not guilty in August 2019. Martinelli's two sons were also implicated in the Odebrecht scandal; they were arrested in the United States in 2018 after prosecutors accused them of receiving \$49 million during their father's term in office. Martinelli's sons were still in the United States at year's end, as the Panamanian government continued its efforts to extradite them.

The administration of Juan Carlos Varela (2014–19) was ensnared by allegations of corruption, with several officials and legislators resigning during his term in office. The Odebrecht scandal originally erupted while Varela was Martinelli's vice president; Varela originally denied that the PP benefited from Odebrecht funding, but admitted that the party received help from an individual tied to the firm in late 2017.

President Cortizo's efforts to strengthen anticorruption measures have been met with resistance. In July 2019, Cortizo introduced a constitutional reform package that would have allowed the attorney general to investigate Supreme Court judges and legislators suspected of wrongdoing. The legislature struck those proposals down and sought to increase its own investigative powers, but those efforts were halted when Cortizo withdrew the reform package altogether in December.

Attorney General Kenia Porcell, who held the post since the Varela administration, resigned in November 2019 when her conversations with Varela over the Odebrecht scandal were leaked. In December, Cortizo nominated former criminal prosecutor Eduardo Ulloa to succeed Porcell in January 2020, when her resignation was to take effect.

TOP

C3 0-4 pts**Does the government operate with openness and transparency?****3/4**

The law provides mechanisms for public access to government information. A transparency law was introduced in 2002, and the government later adopted an open data policy through a 2017 decree and a 2018 resolution, instructing public institutions to make data accessible to the public in clear, open, and machine-readable formats. The National Authority for Transparency and Access to Public Information (ANTAI) reported that 49 percent of the public entities it monitored were compliant with the 2002 transparency law in the first half of 2019.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts**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. Independent, critical journalists and outlets reportedly editorial pressure from the government, and some journalists have experienced harassment when covering stories and opinions unfavorable to the government.

Libel is both a civil and a criminal offense, while defamation and insult have also been defined in the criminal code. Cases are filed against journalists in practice, with

charges varying from slander to insult. Marta Linares, the wife of former president Martinelli, has sued several outlets in recent years in an effort to halt their reporting on the Odebrecht scandal. The former president has also used the courts to stop media discussion of his legal matters; in September 2019, the National Journalism Council (CNP) and the Forum of Journalists for Freedom of Expression reported that Martinelli was responsible for 20 lawsuits against journalists. In December, Martinelli sued Radio Panamá for slander and insult, after the outlet reported on his alleged involvement in a bribery case. CD politician Carlos Afú also resorted to the courts in 2018; he sued *La Prensa* for \$20 million after the newspaper reported on the alleged misuse of public resources to secure his election to the National Assembly.

D2 0-4 pts

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. Catholic religious instruction is offered but not mandatory in public schools.

D3 0-4 pts

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.

TOP

D4 0-4 pts

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, including views on political or social issues, is generally not restricted.

E. Associational and Organizational Rights

E1 0-4 pts

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. However, authorities resorted to force when protesters demonstrated in front of the National Assembly in October 2019 to oppose the government's proposed constitutional reforms; the National Police used tear gas and pellets to disperse the protesters, some of whom attempted to storm the Assembly building, and protesters later reported that the injured did not receive prompt medical attention. The police arrested 96 people by the time the demonstrations ended, and charges were still pending against them at year's end.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work?

4

TOP

Nongovernmental organizations (NGOs) 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 0-4 pts

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, peaceful strikes. However, enforcement of labor protections is inadequate, and labor-related protests frequently feature clashes with police. Public employees are allowed to form associations to engage in collective bargaining and strike activities, but their rights have historically been weaker when compared to those of unions.

F. Rule of Law

F1 0-4 pts

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 in recent years have raised doubts about whether such cases would be heard impartially. The previous Varela administration was criticized over allegations that the National Security Council had interfered with corruption investigations that should have been handled by law enforcement, judges and the judiciary.

TOP

F2 0-4 pts

Does due process prevail in civil and criminal matters?

2/4

Due process is constitutionally guaranteed but inconsistently upheld in practice. The justice system features extensive use of lengthy pretrial detention. In October 2019, newspaper *La Estrella de Panamá* reported that pretrial detainees represented 44 percent of the country's prison population.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?

3/4

The country is free from major threats to physical security such as war and insurgencies. However, police have been accused of beatings and other forms of excessive force, including while dispersing protests. The prison system is marked by overcrowding, poor health conditions, and a lack of security. In December 2019, 15 inmates were killed in La Joyita, a prison on the eastern outskirts of Panama City. Spanish news service EFE reported that heavy caliber weapons, including three rifles, were found in the prison after the fighting.

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 attorney general's office reported that the number of homicides rose to 480 in 2019, from 439 in 2018.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?

TOP 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. 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

G1 0-4 pts

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 foreign travel and internal movement, including the freedom to change one's place of residence, employment, or education.

G2 0-4 pts

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 under the law, but there are some practical impediments to defending property rights and operating businesses, including corruption and interference from organized crime. **TOP**

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. In November 2019, the environment ministry recognized indigenous claims in 25 areas throughout the country, allowing residents to demarcate collectively held land there.

G3 0-4 pts

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, over 15,000 domestic violence cases were registered in 2018. 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.

Panama does not recognize same-sex marriage, though it has faced pressure to legalize such unions in recent years. In a 2018 advisory opinion, the Inter-American Court of Human Rights (IACHR) ruled that member states should recognize same-sex unions. Instead, legislators sought to strengthen a ban on same-sex unions when they altered a package of constitutional reforms in October 2019, but this proposed amendment was scrapped in December.

G4 0-4 pts

Do individuals enjoy equality of opportunity and freedom from economic exploitation?

2/4

Human trafficking for sexual exploitation and forced labor remains a serious ^{TOP} 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.



On Panama

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Global Freedom Score

84/100 Free

Other Years

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