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U.S. Department of State

Panama Country Report on Human Rights Practices for 1996

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PANAMA

Panama is a representative democracy with an elected executive composed of a president and two vice presidents, an elected 72-member legislature, and an appointed judiciary. President Ernesto Perez Balladares, elected in May 1994 at the head of a multiparty coalition, is the chief executive. The judiciary is independent, but subject to corruption.

Panama has had no military forces since 1989. The Legislative Assembly amended the Constitution in 1994 to abolish a standing military. The amendment contains a provision for the temporary formation of a "special police force" to protect the borders in case of a "threat of external aggression." The Panamanian National Police (PNP), under the executive branch's Ministry of Government and Justice, are responsible for law enforcement. The Judicial Technical Police (PTJ), under the judicial branch's Public Ministry, perform criminal investigations in support of public prosecutors. National Maritime Service and National Air Service forces also perform police functions along the coasts and at the Tocumen International Airport, respectively. Credible reports of corruption within both the PNP and PTJ contributed to some police dismissals. All police forces are responsive to civilian authority and are headed by appointed civilian directors. There were reports of instances of abuse by some members of the security forces.

The service-oriented economy uses the U.S. dollar as currency although it is called the Balboa. Gross domestic product grew less than 2 percent in 1996, the seventh consecutive year of growth, although the growth rate has declined each of the past 4 years. Poverty is pervasive, with great and increasing income disparities between rich and poor. A year-end survey estimated unemployment at 14.7 percent and

underemployment at 19.6 percent, together affecting over one-third of the population.

Principal human rights abuses continued to be prolonged pretrial detention; an inefficient and often corrupt criminal justice system, undermined by low wages and poor working conditions; illegal searches; and overcrowded, decrepit prisons. The police generally performed in a professional and restrained manner, even during numerous student and worker protests that sometimes turned violent. However, there were reports that police used excessive force against detainees; prison guards also beat prisoners. There were instances of political pressure on the media. Discrimination against women and indigenous people persists. Violence against women remained a serious problem, compounded by society's unwillingness to recognize it. The Government modified a decree that had initially severely restricted worker rights in export processing zones, but the decree still makes no specific reference to unions and requires mandatory arbitration of disputes.

The Government continued to prosecute some persons responsible for abuses committed during the 21 years of dictatorship from 1968 to 1989. In November 1995, a jury convicted a former military noncommissioned officer for the murder of two unarmed civilians during the 1989 U.S. Operation Just Cause. The Government's determination to mete out justice for past human rights violations was called into question during a rancorous debate over an amnesty bill in May. The proposed beneficiaries included human rights violators, common criminals, and even convicted murderers; eventually, the Legislative Assembly postponed consideration of the bill indefinitely. On December 29, the Assembly approved a bill to create the first office of the Defender of the People, or human rights ombudsman.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom from:

a. Political and Other Extrajudicial Killing

There were no reports of political or extrajudicial killings.

The Construction Workers Union continued to claim that one of the four citizens killed during labor protests in 1995 was a victim of police brutality. According to the PNP, evidence to date indicates that the man was shot, but it cannot be determined with certainty that it was a police gun that fired the fatal bullet.

After an investigation of the July 1995 shooting of a police officer by two fellow officers, the PNP discharged the two in October and at year's end they faced trial on charges of murder.

The Government continued to prosecute approximately 20 cases of persons responsible for abuses committed during the 21 years of dictatorship from 1968 to 1989. In a few cases that ended in acquittal, the Government appealed the decisions to a higher court. In one of three known cases that had yet to go to trial, a former member of the Panama Defense Forces (PDF) charged with a 1985 kidnaping asked the authorities to speed up his trial, after more than 7 years in detention.

In November 1995, two related, high-profile murder cases finally came to trial: Those of Raymond Dragseth, a U.S. citizen school teacher, and Fernando Brathwaite, a Panamanian contract employee of the U.S. Embassy--unarmed civilians killed by former strongman Manuel Noriega's PDF during Operation Just Cause. On the night of December 20, 1989, members of a PDF antiterrorist unit (UESAT) forced Dragseth from his home in a private residential area; police officers grabbed Brathwaite, identified only by his embassy badge, at gunpoint on the street in another part of town. Both

men were taken to a police station where they were beaten and kept bound and gagged through the following day. On the night of December 21, PDF sergeant Juan Barria Jimenez drove the two men into the country and shot them. In November 1995 a jury convicted Barria of the two murders and sentenced him to 20 years' imprisonment. The jury also convicted Cesar Augusto Roldan, a UESAT squad member, of illegal detention. However, the authorities released Roldan some months later because, as provided under the law in certain cases, he had already served a majority of his sentence while in pretrial detention.

The Government's determination to mete out justice for past human rights violations was called into question during a rancorous debate over an amnesty bill in May. A list of 951 proposed beneficiaries put forward by the ruling party included the names of human rights violators, common criminals, and even convicted murderers. The University of Panama closed for almost a week as students took to the streets to protest the amnesty bill. In quelling the disturbances police responded in measured fashion, although some students were injured, mainly from exposure to tear gas. Amnesty International, opposition parties, and the general public also rejected the bill, leading the Legislative Assembly to postpone consideration of it indefinitely.

b. Disappearances

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits use of measures that could harm the physical, mental, or moral integrity of prisoners or detainees.

The police generally performed in a professional and restrained manner, although on occasion there were reports of incidents involving excessive use of force. There also were reports that police still use physical violence to control detainees, particularly during the initial arrest, interrogation, and holding phases.

Corruption among police officers continues to be a problem, although the Director of the PNP vowed he would not tolerate it and has made public some occasional firings of police involved in corruption. The authorities fired four police officers who failed to turn in \$60,000 from a robbery and held them for trial. Another officer was fired in October for unspecified criminal acts, and the authorities dismissed 90 recruits from the Police Academy earlier in the year when background checks revealed they had prior ties to criminal youth gangs or organized crime.

In November a court tried 12 defendants, including 2 former PTJ agents and 1 former PNP officer, for attempting to steal 225 kilograms of cocaine from drug traffickers in June 1995. This case notwithstanding, the head of the Office of Professional Responsibility of the PTJ says her office has seen a decline in misconduct cases, which she attributes to an influx of higher quality agents. There were no documented cases of physical abuse of citizens by the PTJ.

The PTJ and the PNP have offices of professional responsibility that act as internal affairs organs to hold officers accountable for their actions. Both have staffs of independent investigators and administrative authority to open internal investigations which, upon completion, go to their respective inspectors general for submission to review boards. The review boards, in turn, recommend to the service's director the appropriate action; the service director has the final authority to determine the disposition of each case. Penalties may include reduction in rank, dismissal, and in severe cases, criminal prosecution.

Through November the PTJ investigated 85 cases of all categories of misconduct; there were no dismissals. The PNP through October opened 510 investigations into misconduct by police and forwarded 5 cases to the courts for possible action. Of the 709 cases closed through October (including 199 cases still open from previous years), 38 resulted in dismissals, 46 in other disciplinary action, and 11 in reprimands. The rest of the cases were either dismissed administratively, or the police in question were absolved of any wrongdoing.

In early August, the PNP clashed with Kuna Indians in the eastern part of Panama province in a dispute concerning land rights. Demanding that the Government remove non-Indian farmers from land claimed by the tribe, an armed group of Kunas blocked the Pan American Highway. The authorities called in the PNP to reopen the road, and they exchanged fire with some of the protesters. Police claim four officers were wounded, while the Kuna say three of the protesters were injured.

In October police wounded and captured two members of the Ngobe-Bugle tribe who were sniping at cars on a road in Chiriqui province. The snipers seriously wounded at least one motorist, and the incident likely was connected to a protest against an exploratory copper mining project in the area. The two accused snipers, while recovering under detention in a hospital, alleged that police denied them visits from family members and lawyers (see Section 5).

In December the National Assembly began consideration of a bill to establish an Organic Law for the National Police. The bill includes specific guidelines for PNP use of force, including deadly force; sets up norms for selection and promotion of officers, contributing to PNP professionalization; and seeks to depoliticize the PNP by prohibiting officers' participation in certain political activities. (The police have been operating under a legal code dating from the Noriega years and a 1991 presidential decree regulating the use of force.) Local human rights organizations welcomed the proposed clarifications, noting they had received calls during the year from police officers unsure of proper uses of force in controlling and subduing suspects. Some police officers, however, opposed a clause in the bill which would require the PNP director to be a civilian.

Conditions in many prisons throughout the country remain deplorable and a threat to prisoners' health. Most prisons were built in the 1950's or before and are dilapidated and overcrowded; medical screening or care is inadequate; escape attempts are frequent; and riots and murders are common. The Government opened three new prisons in 1996 and closed and demolished the notorious La Modelo prison. The prison system has so many problems that the Government had a hard time filling the position of Director of National Corrections, which was vacant for several months until a new director took office in September.

The National Corrections Department (DNC), under the Ministry of Government and Justice, still largely depends on PNP officers, who are not properly trained for prison duty, to supply its guard force. Civilian correction officers or "custodians" handle inmates within La Joya, Renacer, and the Central Women's Prison. (The latter facility uses only female guards.) The DNC has authority to discipline its own prison guards with either criminal or civil sanctions, depending on the severity of the abuse. In practice, however, few prisoners or detainees have sought redress for alleged abuse by prison guards. DNC authorities have no direct control over PNP officers at prisons, however, creating a serious command and coordination problem. For example, in a widely publicized beating of prisoners by PNP guards at La Modelo prison in July, guards reportedly acted on outside command from police supervisors, bypassing DNC officials entirely.

The number of trained guards is inadequate to ensure proper security, given the large number of prisoners and generally overcrowded conditions. The first formal training class of approximately 140 corrections officers graduated from the PNP Police Academy. In its 1996 budget request, the DNC

asked for funding for 277 new guard positions, but none were approved. Effective prison management also is hampered by the lack of consistent national operating guidelines; individual prison directors are free to establish their own procedures without effective central control or oversight. Given the high turnover rate among directors, this system leads to internal administrative confusion and increases directors' susceptibility to corruption and abuse of authority.

There were credible reports of corruption and abuse of prisoners by guards. Former inmates and family members of inmates of La Modelo prison alleged that some prison guards participated in selling and distributing illicit drugs within the prison. They also alleged that guards accepted bribes to allow knives to be smuggled in to prisoners for use in battles among rival gangs. There were reports from nearly every prison of riots or gang battles; in numerous such incidents prisoners were killed or wounded. Guards frequently used buckshot and tear gas, fired at close range, to quell prisoner disturbances or halt escape attempts. Use of buckshot injured numerous prisoners and, in at least one case, other guards.

While a new case tracking system has shown a decrease in case delays in the courts and with the public prosecutors, the DNC's own statistics indicate that a majority of prisoners have yet to be sentenced. Through November, of 5,907 inmates nationwide for whom information was available, 1,586 had received final sentences; 99 others had been sentenced but were on appeal. The remaining 4,222 were awaiting trial or final sentencing. Total reported prison population as of December 2 was 7,308 inmates, compared with a total prison design capacity of 5,151.

The Government enacted measures in 1995 to speed the pace of prosecutions, including allowing prisoners to waive their preliminary hearing and go directly to trial if they wish (thus avoiding the often months-long wait between the two proceedings). However, these measures appear to have been largely ineffective in moving cases more expeditiously. In public statements during the year, both the Minister of Government and Justice and the President highlighted this area as one in dire need of additional reform.

Until its closing at the end of November, La Modelo prison continued to have a prison population many times greater than its designed capacity. Conditions were reportedly so overcrowded that prisoners literally were living in the bathrooms, some with overflowing toilets. In the main gallery, hammocks were stacked five high. On July 27, a deadly battle between rival gangs in La Modelo provoked severe beatings by prison guards, some of which were filmed and publicized. President Perez Balladares reacted by ordering La Modelo emptied and demolished; the Minister of Government and Justice fired La Modelo's director, as well as 12 guards identified as taking part in the beatings.

La Modelo prison, condemned by the Catholic Archbishop as a "cemetery of the living," was opened to the public and media for tours December 3-5. In a ceremony on December 10, International Human Rights Day, President Perez Balladares pushed the plunger to blow up the vacant structure. In his remarks, the President termed the prison a national disgrace, acknowledging that it had been the site of grave human rights abuses of common criminals and political prisoners alike.

The prison situation in Colon remained grim, with high crime and incarceration rates mirroring the lack of economic opportunity in Colon city and province. The President inaugurated Nueva Esperanza prison in April, a former cold storage facility converted to a prison to relieve the terrible overcrowding in Colon prison. However, rival prisoner gang members were not properly separated upon transfer to the new facility, and in June violence among prisoners provoked a riot that left four dead, many injured, and extensive damage to the new facility.

Transfer of La Modelo prisoners to other facilities worsened the conditions at those facilities. The

Government expanded the maximum security cellblocks at La Joya prison to allow it to absorb inmates from other overcrowded prisons, principally those formerly in La Modelo. As of November, this relatively new 1,000-bed facility housed 1,194 inmates and detainees; an additional 1,041 inmates were housed in an adjacent minimum- to medium-security facility. The DNC also put in place a classification program to categorize inmates according to risk, an important step in light of the transfer of dangerous maximum security inmates from La Modelo, a system which the DNC plans to extend to all prisons nationwide.

Conditions on Coiba Island Penal Colony continued to be deplorable. Of the 679 prisoners, 451 await trial or final sentencing, and the majority reportedly will have served almost two-thirds of their potential sentences before reaching trial. Prisoners suffer from malnutrition and shortages of potable water, and medical care is practically nonexistent. Coiba has a civilian administrator, but its guard force still consists of police guards instead of civilian corrections officers. Geographic isolation and lack of communications have separated detainees from their attorneys and caused many to miss trials. Escapes from Coiba are reported common. The Government began transferring prisoners out of Coiba as a preliminary step to closing it, but following the decision to close La Modelo prison, Coiba has become a key holding facility for transferred La Modelo inmates. The Government acknowledges it must keep Coiba open, but as yet has made no provisions to upgrade or maintain the facility.

Conditions at women's prisons in Panama City and Chiriqui province were noticeably better. Even so, female prisoners, especially those in the primary detention area, reportedly suffered from overcrowding, poor medical care, and lack of basic supplies for personal hygiene.

At the Juvenile Detention Center, the Attorney General in September ordered an investigation into conditions after the Center fired an official who alleged that there were incidents of abuse of juvenile detainees. Both male and female minors are housed in the same facility, although in separate buildings.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that arrests must be carried out with a warrant issued by the appropriate authorities. Exceptions are permitted when an officer apprehends a person during the commission of a crime, or when disrespect by the individual toward the officer prevents the officer from carrying out his duty. The law requires the arresting officer to inform the detainee immediately of the reasons for arrest or detention and of the right to immediate legal counsel, to be provided by the State for the indigent.

The Constitution also provides for judicial review of the legality of detention and mandates the immediate release of any person detained or arrested illegally. The Constitution prohibits police from detaining suspects for more than 24 hours without bringing them before a competent judicial authority. In practice, the authorities often violated the 24-hour time limit by several days. Under law the preliminary investigation phase may last 8 days to 2 months, and the follow-on investigation phase another 2 to 4 months, depending on the number of suspects. However, extensions of these limits are frequently granted by the courts, leaving the accused in detention for an extended period without having been formally charged.

Extended pretrial detention continued to be one the most serious human rights problems, in part a consequence of the elaborate notification phase in criminal cases. According to DNC statistics, pretrial detainees composed approximately 71 percent of the prison population, down slightly from 78 percent in 1995. Almost 25 percent of the total prison population is under detention beyond legally permissible time limits. According to public defenders, the average period of pretrial custody for a defendant was approximately 16 months; pretrial detention in excess of the maximum sentence for the alleged crime

was common. A legal mechanism exists to hold the Government financially accountable in cases where a detainee spends more than 1 year in jail but subsequently has all charges dismissed at a preliminary hearing. The dismissal must be either because the act of which the detainee was accused is not ruled a crime or because there is no evidence to link the suspect to the crime. Although this redress procedure is not extremely complicated, few former detainees have sought redress for their time in detention.

In October the authorities arrested a group of 134 protesters from the radical Colon civic action group "Reaction Three," who staged a violent protest at the Ministry of Housing, causing extensive damage. A judge sentenced the protesters to 20 days' confinement; 89 men were sent to Coiba Island prison, while 45 women were detained at the Central Women's prison. Human rights groups denounced the Government's decision to send the male detainees to Coiba, given the atrocious living conditions and its inaccessibility to family members and lawyers. The Supreme Court declared that the detention was legal but that the Government had acted improperly in sending the male detainees to Coiba. The authorities deported one "Reaction Three" leader to Colombia; he subsequently accused police of having beaten him and taken his money, but the charges could not be substantiated.

The Constitution prohibits exile, and there were no reports of forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however,

the judiciary is susceptible to corruption. The President appoints nine Supreme Court magistrates to 10-year terms, subject to Legislative Assembly confirmation. The Supreme Court magistrates appoint appellate (Superior Tribunal) judges, who, in turn, appoint circuit and municipal court judges in their respective jurisdictions. The Attorney General, who heads the Public Ministry jointly with the Solicitor General, appoints the superior and circuit-level prosecutors. Appointments are supposed to be made under a merit-based system, but the top-down appointment system lends itself to political tinkering and undue interference by higher-level judges in lower-level cases in which they have no jurisdiction.

At the local level, mayors appoint administrative judges who exercise jurisdiction over minor civil and criminal cases in which they may impose fines or sentences of up to 1 year. This system has serious shortcomings. For example, defendants lack adequate procedural safeguards, the officials need not be (and normally are not) attorneys, and some engage in corrupt practices. In reality, appeal procedures are nonexistent. More affluent defendants tend to pay fines while poorer defendants go to jail, one of the chief factors leading to current prison overcrowding.

The Constitution provides that persons charged with crimes have the right to counsel, to be presumed innocent until proven guilty, to refrain from incriminating themselves or close relatives, and to be tried only once for a given offense. If not under pretrial detention, the accused may be present with counsel during the investigative phase of the proceeding. Judges can order the presence of pretrial detainees for the rendering or amplification of statements, or for confronting witnesses. Trials are conducted orally with the accused present, but with little new evidence presented beyond that in the case file compiled by the public prosecutor. The Constitution and Criminal Procedure Code provide for trial by jury at the defendant's election, but only in criminal cases where at least one of the charges is murder.

The Constitution obliges the Government to provide public defenders for the indigent. Many public defenders are not appointed until after the investigative phase of the case, a serious disadvantage for the defendant since it is during this stage that the prosecutor produces and evaluates the bulk of the evidence and decides whether to recommend trial or the dismissal of charges. Nevertheless, many more public

defenders than in past years were assigned to cases prior to commencement of the investigative phase, significantly improving the defense's opportunity to present exculpatory evidence. Public defenders' caseloads remained staggering, averaging 410 cases per attorney in 1995. Only 1 new public defender has been hired since 1992, making a total of 36 nationwide, while the caseload increased 74 percent since then. This heavy workload undermined the quality of representation, with many prisoners meeting their public defender for the first time on the day of their trial.

Trial activity was hampered by budgetary shortfalls. Additionally, according to various independent sources, the judicial system was undercut by narcotics-related judicial corruption. Citizen complaints about corrupt practices by Supreme Court Justice Jose Manuel Faundes led to formal charges by the Attorney General that he improperly influenced cases. The Legislative Assembly investigated wrongdoing by Faundes during special Judicial Sessions in August and September, which resulted in a decision to initiate impeachment proceedings against him. The case against Faundes included charges that he abused his authority and accepted cash payments in exchange for lenient sentencing and treatment of certain prisoners, including narcotics traffickers.

The Attorney General also investigated other judicial branch and Public Ministry officials for improprieties. In November President Perez Balladares made sweeping public accusations of corruption in the judicial branch, alleging that a majority of citizens believe justice is "bought and sold" in the country; the President proposed the creation of a new office to review court decisions. Two Supreme Court Justices denounced the President's broad accusations and challenged the executive to present concrete evidence of specific cases of corruption.

In June the lawyer for an accused narcotics trafficker revealed that two narcotics-tainted donations had reached President Perez Balladares' 1994 election campaign. The President promptly and publicly admitted the funds had entered his campaign but insisted that he was personally unaware of their origin at the time. At the President's behest, the Attorney General conducted an investigation, subsequently declaring that no evidence of criminal wrongdoing had been found.

There were no reports of political prisoners. Advocates of the amnesty bill (see Section 1.a.) claimed that its beneficiaries were political prisoners and others charged with, or convicted of, political crimes. Closer scrutiny, however, revealed that many potential beneficiaries were common criminals (including some violent offenders). The Attorney General, who opposed the legislative amnesty, declared at the time that there were no political prisoners or politically motivated prosecutions pending.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home, private papers, and telephonic communications. The authorities may not enter private residences except with the owner's permission, or by written order from the appropriate authority for specific purposes. (These may include entry to assist the victims of crime or disaster, or to conduct lawful health and safety inspections.) In practice, however, there were credible complaints that the police failed to follow legal requirements and instead conducted indiscriminate searches of private residences. The authorities may not examine private papers and correspondence, except as properly authorized by competent legal authority and in the presence of the owner, a family member, or two neighbors.

Despite the view of some that the Constitution prohibits all wiretapping, the Government maintains that wiretapping with judicial branch approval is legal. Under the guidelines established by antinarcotics legislation passed in July 1994, the Public Ministry may engage in undercover operations, including "videotaping and recording of conversations and telephonic communications." The Supreme Court may

ultimately decide whether wiretapping is constitutional and, if so, under what circumstances. However, media publication of unauthorized taped phone conversations during the Faundes impeachment hearings suggest that wiretapping is not unknown.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, and the Government generally respects these rights in practice. Six national daily newspapers, 3 commercial television stations, 2 educational television stations, and over 95 radio stations provide a broad choice of informational sources; all are privately or institutionally owned. Close relatives of the President control one major television station and have close political and economic ties with the management of another. While many media outlets took identifiable editorial positions, the media carried a wide variety of political commentaries and other perspectives, both local and foreign.

Panamanian and foreign journalists worked and traveled freely throughout the country, and the population had access to foreign media. After tense verbal sparring with journalists over coverage of narcotics traffickers contributing to political campaigns, the President eventually accepted the legitimacy of tough investigative journalism on this issue. In August he forced Second Vice President Virzi to apologize publicly after calling journalists "clowns."

There were some cases of government harassment of journalists, such as barring individual journalists from covering government events and pressure on the management of certain television stations to modify their programming. After the scandal caused by the July filming of prisoner beatings at La Modelo prison, some journalists reported being harassed by police who wanted to prevent them from entering adjacent apartment buildings to do additional filming. The Government has legal authority to prosecute media owners and reporters for criminal libel and calumny, but has not used it. Informal pressure on the media was more common.

A special executive branch authority has discretionary powers to administer the libel laws, which provide for fines and up to 2 years in prison. Under the statute, opinions, comments, or criticism of government officials acting in their official capacity are specifically exempted from libel prosecution, but a section of the law allows for the immediate discipline of journalists who show "disrespect" for the office of certain government officials. While this section of the law was not used during the year, its existence inhibits some writers' self-expression.

In November a court cleared the associate director of daily La Prensa of libel charges brought by President Perez Balladares over remarks in a November 1993 newspaper column about party leaders, including Perez Balladares. Also in November, the Public Prosecutor's office summoned another La Prensa journalist to make sworn statements in a libel case brought by the Minister of Public Works over allegations of wrongdoing in 1991 reported in a La Prensa article.

The press laws provide for the establishment of a censorship board. There were no reports of the board taking any restrictive actions in 1996, although one legislator publicly complained that the board has not done enough to control allegedly offensive content of radio and television programs.

The law provides for academic freedom, which was freely exercised in both public and private universities.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the rights of peaceful assembly and association, and the Government generally respects these rights in practice. No authorization is needed for outdoor assembly, although prior notification for administrative purposes is required.

Several times during the year the Government responded to student unrest at the University of Panama by sending PNP riot police to the campus periphery. In October the police entered the campus directly to deal with protesters. Students and some university staff reacted angrily to the police presence and accused them of excessive use of force. Overall, police response to student protests was restrained, despite considerable interference with public order when the protests spill over onto major thoroughfares, blocking vehicle traffic and threatening passersby. Police showed similar restraint while monitoring large protest marches during the year by civil servants and members of indigenous tribes.

Citizens have the right to form associations and professional or civic groups without government interference. They may form and organize political parties freely, although new parties must meet strict membership and organizational standards in order to gain official recognition and participate in national campaigns. On December 8, the presidents of eight small parties in the process of formation jointly denounced the Electoral Tribunal for allegedly creating intentional obstacles to impede new parties.

c. Freedom of Religion

The Constitution, although specifically recognizing Catholicism as "the religion of the majority of Panamanians," provides for free exercise of all religious beliefs, provided that "Christian morality and public order" are respected. The Government imposes no limitations in practice. Clerics are constitutionally prohibited from holding public office, except as related to social assistance, education, or scientific research.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government respects them in practice. A 9:00 p.m. curfew for minors under 18 years of age in the Panama City and San Miguelito districts of Panama province, imposed in 1992, remained in effect. Police enforcement of the curfew was uneven, with strictest compliance focused on high-crime areas.

The immigration authorities in November deported to Colombia a group of 88 migrants (mostly women and children), who reportedly had fled into the border province of Darien to escape killings and harassment by paramilitary groups and leftist guerrillas. The authorities determined that the Colombians were not entitled to refugee status because they could be resettled in other regions of Colombia and repatriated the group. Subsequently, however, Amnesty International criticized the move and called on the Government to halt any further deportations, claiming that the Colombians were indeed entitled to refugee status and merited protection.

The Government cooperates with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government honors the principle of first asylum, but the issue did not arise in 1996.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a representative democracy with direct popular election by secret ballot of

the President, two vice presidents, legislators, and local representatives every 5 years. The President is currently limited to a single term, although President Perez Balladares' supporters have suggested he may be interested in having the Constitution amended to permit him to run for a second term. The independent National Electoral Tribunal arranges and supervises elections. The Government respected the rights of its citizens to join any political party, propagate their views, and vote for candidates of their choice.

There are no legal barriers to participation by women or people of African, Asian, or indigenous descent, but their presence in senior leadership positions in government or political parties is not proportionate to their numbers within society. Women hold 5 of 72 Legislative Assembly seats and 1 of 11 Cabinet positions. The Legislative Assembly's vice president is a woman; as are the provincial governors of Panama and Colon, and the mayor of Panama City. In 1994 a woman ran for President and finished second with over 28 percent of the vote.

The Government provides semiautonomous status to several indigenous groups in their homelands, including the San Blas, Madugandi, and Darien Embera-Wounaan reserves. The San Blas groups have two representatives in the Legislative Assembly, proportionate to their share of the population. Locally, the reserve is governed by tribal chiefs, who meet in a general congress twice a year. Neither the Madugandi nor the Embera-Wounaan reserve has its own dedicated legislators, but each has a separate governor.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Human rights organizations, including both religious and secular groups, generally operated without government restrictions. These organizations carried out a full range of activities, including investigations and dissemination of their findings. Human rights advocates generally had free access to government officials while investigating complaints. Amnesty International's criticism of the ruling party's proposed amnesty bill was widely publicized.

On December 29, the Legislative Assembly approved a bill to create an office of "Defender of the People," or a human rights ombudsman. The new office is to be an appendage of the Legislative Assembly, with privileges and immunities comparable to those of a legislator. The ombudsman has broad powers to investigate complaints of human rights abuses, but no coercive authority, depending instead on moral suasion. The Assembly modified the original bill to require that the successful ombudsman candidate be approved by only a simple majority vote, not by two-thirds as originally contemplated. While this will likely simplify the approval process, opposition critics say it could make the incumbent susceptible to political manipulation by the ruling party.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits either special privileges or discrimination on the basis of race, birth status, social class, sex, religion, or political views. Nevertheless, society, particularly the upper class, still harbors many prejudices based primarily on race, sex, and social status.

Women

Domestic violence against women continued to be a serious problem, and local justices processed thousands of domestic violence cases. The reputable Center for the Development of the Woman estimated that victims report as few as 20 percent of sexual assaults to judicial or law enforcement

authorities. The Foundation for the Promotion of the Woman, among other women's advocacy groups and government agencies, operated programs to assist victims of such abuse.

In addition to domestic violence, sexual harassment is a serious threat to the equal status of women in society. A reliable report from the Latin American Committee for the Defense of Women revealed in 1995 that up to 70 percent of female government employees had been sexually harassed in the workplace, 42 percent by their immediate supervisors and 18 percent by even more senior supervisors. In 1995 officials relieved several academics and administrators of their positions at the University of Panama for sexual harassment.

Women generally do not enjoy the same economic opportunities as men. Until 1995 the law did not recognize property in common, and divorced or deserted women are often left destitute. The new Family Code promulgated in 1995 recognizes for the first time joint or common property in marriages. However, the Government has not committed sufficient funding to provide enough judges and administrative resources to enforce the new code's provisions.

The Constitution mandates equal pay for equal work, but wages paid to women are often lower than those for equivalent work performed by men and increase at a slower rate. A 1994 U.N. report noted that women occupy only 4 percent of the managerial positions in Panama. Although statistics are lacking, there are credible reports of hiring practices based on age and "attractiveness." A Government Employees Union leader claimed in September that the Government fired 150 women from their civil service jobs because they were pregnant, and had only reinstated 10 of them.

A number of private women's rights groups, including groups for indigenous women, concentrate on disseminating information about women's rights, countering domestic abuse, enhancing employment and other skills, and pressing for legal reforms. Indigenous women vocally criticized male government administrators and politicians for overlooking their rights. At a formal gathering of Kuna women in San Blas in October, participants complained that male tribal leaders ignore the interests and opinions of women, and alleged that domestic abuse of Kuna women is a serious but underreported problem.

Children

Education of children is compulsory through