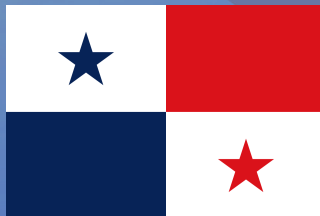




European Union
Election Expert Mission
Panama 2024
Final Report



General Election 5 May 2024

**EUROPEAN UNION
ELECTION EXPERT MISSION**

PANAMA 2024

General Election

5 May 2024



FINAL REPORT

EU Election Expert Missions are independent from the institutions of the European Union. The views and opinions expressed in this report are those of the authors and do not necessarily reflect the official policy and position of the European Union.

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EUROPEAN UNION ELECTION EXPERT MISSION

FINAL REPORT

Panama General Election, 5 May 2024

I. EXECUTIVE SUMMARY

On 5 May 2024, over 2.3 million Panamanians went to the polls to elect a new president, the National Assembly and local authorities for the next five years. This highly competitive electoral process, which lasted over two years, concluded with a well-managed, incident-free election day, boasting the highest voter turnout since democracy was restored. The election took place against a backdrop of widespread dissatisfaction with the political class and governing institutions, leading to unprecedented social protests in 2022 and 2023. The process was marked by the disqualification of former President Martinelli from the race in March 2024 and uncertainty over Mulino's candidacy –his substitute–, the constitutionality of which was upheld by the Supreme Court just two days before election day.

José Raúl Mulino, running under *Realizando Metas* (RM) and *Alianza*, was declared president-elect by the *Junta Nacional de Escrutinio* (National Scrutiny Committee, JNE) on 9 May. He received 778,763 votes, equivalent to 34.2 per cent of the total vote and almost 10 points ahead of the runner-up, Ricardo Lombana, who received 24.6 per cent of the vote. All contenders swiftly accepted the results.

The election brought significant changes to the country's political landscape, both at the national and local levels. New parties like RM and MOCA emerged, and the movement of independent candidates VAMOS gained the highest number of members in parliament. The *Partido Revolucionario Democrático* (PRD) saw its most significant defeat, losing the presidency, almost two-thirds of its seats in parliament as well as key municipalities. The National Assembly is now fragmented, with no single party holding a majority. The president will need support from independent candidates or will have to make deals with at least three traditional parties to pass bills.

The legal framework for elections provided sufficient guarantees, but some gaps, ambiguities and a lack of transparency mechanisms resulted in different interpretations. The numerous decrees issued by the Electoral Tribunal (*Tribunal Electoral*, TE), especially close to the election day, made their application challenging.

In a single-round election, voters elected the president, 26 members of parliament in single-member constituencies, 81 mayors, and local representatives through the first-past

the-post system. Additionally, voters elected 45 members of parliament in 13 multi-member constituencies by proportional representation through open lists.

Elections were organised by a well-resourced and staffed TE led by three magistrates, each appointed by one of the branches of the State on a staggered ten-year term basis. There was broad confidence in the TE's ability to deliver organisational and logistical preparations for all elections. This is despite its recent decisions on the candidacies of Martinelli and Mulino, which exposed the TE to political criticism. Threats of hacker interference in the electoral process diminished trust in the TE.

Voter registration is passive, permanent and continuous. There were no concerns expressed over its inclusivity and accuracy. A total of 3,004,083 citizens were eligible to vote; of them, 50.3 per cent were women, and 48 per cent were under the age of 40.

Voters were presented with a diverse range of choices. The number of parties and candidates registered at all levels of the election reached a record high. However, the process of candidate registration was long, costly, and complex, especially for self-nominated candidates who had to start the registration process two years before election day.

The campaign in public spaces was low-key but active in the media and on social media. Money played a key role in the campaign perpetuating *clientelismo*. Transparency and a level playing field remained a concern. Given that legislation only provides a fixed 7% of public funds to be given to self-nominated candidates this has put them at a disadvantage. The funds allowed to be spent in the campaign, both public and private, were set at such a level that they did not provide for a level playing field. Insufficient disclosure requirements limited the possibility of public scrutiny.

The last days of the campaign were marked by an atmosphere of unpredictability as the focus was on the delayed Supreme Court decision on Mulino's candidacy. Martinelli continued actively campaigning from the Nicaraguan embassy despite a court order prohibiting his direct involvement or support for any candidate.

The law promotes gender equality by requiring political parties to nominate equal numbers of men and women for various positions, including deputies, mayors, representatives, council members, and internal party structures. However, only 19.28 per cent of the total candidates were women, and just above 12 per cent of all elected officials. A provision in the law allows political parties to replace women candidates with male candidates if there are no female candidates, which is seen as a loophole that makes it optional to comply with gender parity.

Almost 4,000 non-partisan citizen observers and 257 international observers, contributed to transparency. Observers reported that procedures were followed, the secrecy of the vote was protected, and counting was transparent. Party and candidate agents claimed they were present in all polling stations across the country. The electoral dispute process was carried out in two instances, led by the electoral administrative court and with the TE as the final instance. No substantial challenges were filed.

Media coverage was dominated by Mulino, receiving 40.15 per cent of the allocated space. The female candidates, Rodríguez and Gordón, had a coverage of only 10.5 per cent. Most of the coverage was neutral, but there was a slight bias in favour of Torrijos and Carrizo, while Rodríguez and Arrocha were neglected. YouTube ran ads during the campaign, violating the election silence. These ads mainly supported Mulino and denigrated his rivals.

Panama's legal framework upholds freedom of expression but faces challenges, including strict defamation laws that lead to self-censorship among journalists. Recent amendments to the electoral law target disinformation and impose penalties for manipulating digital media during elections, but there is a lack of robust fact-checking companies or NGOs.

The EU EEM made 13 recommendations with a view to further enhance the conduct of elections in Panama and to support efforts to bring them fully in line with international obligations and standards for democratic elections. A table with all the mission's recommendations can be found at the end of this report.

Priority recommendations include:

- To simplify electoral regulations and reduce the number of decrees, especially close to election day and those affecting the campaign period.
- To enhance transparency, legal certainty, and clarity, it is recommended that updated statutory and regulatory legislation and TE decisions be made available to all stakeholders by uploading them to the TE's website.
- To protect the voter's right to make an informed choice and ensure a level playing field, a ban on multiple candidacies could be considered.
- The process of candidate registration could be eased and shortened. The electoral calendar could be reviewed so that nominations and primaries take place closer to the election day. The period for collecting support signatures could be reduced.
- To enhance transparency and level playing field, it is recommended that campaign finance rules are revised in line with international standards and best practices.
- To promote the participation of women in politics, the escape valve clause in candidate lists that allows parties to avoid complying with the parity requirement could be reviewed.

II. MISSION BACKGROUND

Following an invitation from the Electoral Tribunal, the European Union deployed an Election Expert Mission (EEM) from 6 April to 21 May 2024. The EEM comprised three members: a political and electoral expert, a legal expert, and a media and social media expert. The mission's mandate was to collect factual information, assess and report on the 5 May general election against international and regional commitments and good practices for democratic elections. No systematic observation of polling and counting procedures were conducted on election day. EEM members made no public statements in accordance with the mission's terms of reference. This was the first electoral mission that the European Union deployed in Panama.

This report presents an assessment of the election based on the EEM's observations, reports and meetings with members of the election administration, candidates, political parties, the judiciary, the police, the media, academia, civil society, international organisations and election observation missions. The EEM was stationed in Panama City and visited other parts of the country to meet stakeholders, namely Santiago (Veraguas), Colón (Colón), Metetí (Darién), David (Chiriquí), and Changuinola (Bocas del Toro). This report includes 13 recommendations aimed at contributing to improve future elections.

The EEM wishes to express its appreciation to the Electoral Tribunal, all other institutions, state and local authorities, and civil society of Panama for their kind and forthcoming cooperation.

III. POLITICAL BACKGROUND

Political background

Although Panama has operated within a stable democratic framework and enjoyed steady economic growth since democracy was restored, persistent high degrees of inequality and corruption have led to broad public discontent and calls for reform. The election was held against a backdrop of widespread dissatisfaction with the political class and governing institutions. Incumbent President Laurentino Cortizo, of PRD Panama's largest political party, was highly unpopular. His tenure saw unprecedented massive social protests, the latest in October and November 2023, to oppose a copper mining exploitation contract. The underlying causes of the protests were an accumulation of grievances, ranging from the cost of living, inequality, rising crime, the quality of public services, pandemic management, and persistent corruption. The protests exposed the need for policy reforms to address Panama's pressing challenges, including a deficit-ridden pension system, economic downturns, water shortages at the Panama Canal, and migration issues through the Darien Gap. In March 2024, Panama's debt rating was downgraded as a result of the turbulences and the decision to shut down the mine that represented five per cent of Panama's GDP.

Panama's current political system originated with the military dictatorship of Omar Torrijos. The 1972 constitution laid the groundwork for the current party system, set in 1978, and the electoral system, established in 1983. Following the country's transition to democracy between 1989 and 1994, multiparty elections for all elected offices have taken place punctually every five years, according to the constitution. Since 1994, six presidents have held office, each completing their tenure without disturbance and ensuring a consistent rotation of executive power. Politics have been traditionally dominated by two political parties: *Partido Panameñista*, founded in 1931 and the oldest continuously operating party in Panama, and *Partido Revolucionario Democrático*, founded by Torrijos in 1979, which has controlled the legislative branch for much of the democratic period, maintained a majority of municipal councils and dominated the national bureaucracy.

Panama held its seventh general election on 5 May 2024 amidst serious economic challenges and a tense social context. The president, 71 members of the National Assembly, 81 mayors, 701 local representatives, and 11 councillors were elected. The 20 deputies of Panama to the *Parlamento Centroamericano* (Parlacen) were designated based on the results of the presidential race.

Political Parties

Political parties in Panama are deeply rooted in the population, with over 55 percent of all registered voters affiliated with a party. A record high of nine political parties

participated in the current election. All nine belong to the political centre and right. There is no major leftist party.

In 2019 four parties gained representation in the 71-member parliament: *Partido Revolucionario Democrático* (PRD) won 35 seats; *Cambio Democrático* (CD) won 18 seats, *Partido Panameñista* (PAN) won eight seats; *Movimiento Liberal Republicano Nacionalista* (MOLIRENA), won five seats; and five self-nominated candidates won a seat. *Partido Alianza* and *Partido Popular* (PP) did not win any seats in 2019.

Three new parties have emerged since the 2019 election: former President Ricardo Martinelli's *Realizando Metas* (RM), established in 2023 with over 204,000 members; *Movimiento Otro Camino* (MOCA), with 38,120 members; and *Partido Alternativa Independiente Social* (PAIS), with 23,490 members. Despite these new parties, the PRD remains the largest party, with approximately 700,000 members, followed by CD with around 280,000.

Presidential Candidates

Eight candidates registered to run for president, including former President Ricardo Martinelli (2009-2014), who appeared in the polls as the front-runner. However, he was disqualified from the race on 3 March after receiving a 10-year sentence for money laundering. The Electoral Tribunal allowed his running mate, former Minister of Public Security José Raúl Mulino, to take Martinelli's place on the ballot, but the constitutionality of this decision was challenged (see section on electoral disputes). The Supreme Court confirmed the constitutionality of the TE decision on 3 May, two days before election day. Despite uncertainties over his candidacy, Mulino emerged as a clear favourite in the polls through the process. Martinelli led Panama through a time of robust economic expansion. Mulino appeared to have inherited support from Martinelli's followers despite the latter's legal troubles.

In addition to Mulino, the other candidates were also prominent figures in the political scene in Panama: José Gabriel Carrizo (PRD), outgoing vice president under Laurentino Cortizo's Administration (2029-2024), known as "*Gaby*"; Martín Torrijos (PP), former President under PRD (2004-2009) and son of the military dictator Omar Torrijos, who negotiated the cession of the Panama Canal with the United States of America and founded the PRD; Rómulo Roux (CD and PAN), former Minister of Foreign Affairs under President Martinelli; and Ricardo Lombana (MOCA), former diplomat who ran as a presidential candidate in 2019.

The three self-nominated candidates were Melitón Arrocha, former minister and vice-minister in several administrations, and also endorsed by PAIS; Zulay Rodríguez, PRD member of parliament (not endorsed by her party); and the only candidate who run independently (without any party affiliation or party endorsement), Maribel Gordón, social movement activist and left-wing politics professor. The latter two were the only two women running for presidential office.

IV. LEGAL FRAMEWORK

The legal framework for elections provides enough guarantees, but gaps, ambiguities, and a lack of transparency mechanisms lead to different interpretations.

International Commitments and Standards

Panama has ratified the major international instruments covering electoral rights. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Elimination of All Forms of Racial Discrimination (ICERD), The International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries (ILO Convention 169), the 2007 Convention on the Rights of Persons with Disabilities (CRPD).¹ Panama has also signed and ratified the 1994 Declaration of Chapultepec on freedom of the press and expression and the 2018 Declaration of Salta on principles of freedom of expression in the digital age.

Constitutional Human Rights and Electoral Legislation

The legal framework for elections consists of the 1972 *Constitución Política* (constitution) and the 1983 *Código Electoral* (election law), supplemented by decisions and regulations issued by the TE. Overall, the legal framework governing elections provides a sound basis for the conduct of democratic elections in line with international standards abided to by Panama.

The constitution establishes Panama as a presidential representative democratic republic with a multi-party system, whereby the president is both head of state and head of government. Legislative power is vested in the National Assembly, and judicial power is vested in the courts of Panama. The constitution guarantees the right to vote and to be elected in periodic elections through universal and equal suffrage by secret ballot every five years; it also asserts fundamental rights and freedoms of opinion and expression, association, assembly, and movement.

The 1983 election law regulates all aspects of the election. In 1995, the election law established the National Commission on Electoral Reforms (CNRE), a consultative body tasked with drafting amendments to the electoral legal framework after every election. The CNRE comprises representatives from political parties, civil society, labour unions, the industrial sector, academia, and, since 2021, self-nominated candidates (*candidatos de libre postulación*). However, CNRE law proposals on electoral reform do not carry binding force on the National Assembly.

The Electoral Tribunal is a state institution with full powers in electoral matters, both administrative and legislative. Only an appeal of unconstitutionality to the Supreme Court of Justice can be lodged against its actions. The TE possesses legislative initiative and

¹ Also, the International Convention on the Protection of the Rights of All Workers Migrants, the Convention against Torture and Other Cruel, Inhuman Forms and Degrading Treatment or Punishment, as well as the Rome Statute of the International Criminal Court. However, the Inter-American Convention against All Forms of Discrimination and Intolerance (A-69), the Inter-American Convention on the Protection of the Human Rights of Older Persons, and the Inter-American Convention against Racism have been signed but not ratified by the National Assembly.

can issue decrees and regulations that customise and supplement the election law at any point during the electoral process.²

The National Assembly passed a package of amendments to the election law on 25 January 2023. Several adjustments were adopted during the most recent revisions to improve transparency, reduce campaign spending, and increase level playing field among candidates. These included a cap on campaign expenditures and the maximum amount that any contributor is allowed to donate to candidates in cash. Failure to respect the cap on campaign expenditures would void the election³. The election law was last amended in October 2023, six months before the elections, when the formula to allocate seats was reviewed⁴.

Recommendation: The National Assembly to undertake a process of electoral legal reform well in advance of the next elections involving consultation with the CNRE, to resolve inconsistencies and shortcomings in the current legislation.

The TE has a comprehensive and extensive regulatory framework for elections. On 30 May 2022, the TE issued an extensive set of regulations contained in a decree (*el decretón*). However, over 50 decrees introduced changes and clarifications to the regulatory framework before election day. The substantial volume of changes posed a significant challenge to their application.⁵ Furthermore, gaps in the law lead to different interpretations, particularly in areas like candidate nomination, withdrawal, and replacement, as well as electoral justice procedures. In addition, the TE decrees appear overly comprehensive and too regulated in areas that political parties could decide internally. Furthermore, these decrees are difficult to find on the TE's website as they are not presented in an easily accessible format and are scattered and mixed with other publications.

Recommendation: Minimise the number of decrees close to election day, especially those affecting the campaign period, to provide security and certainty in the legal framework for the electoral process.

² OAS Electoral Good Practices Guide for Strengthening Electoral Processes, page 10, para 4: “As a democratic principle, certainty presupposes that the basic rules for competing and participating in politics are clear for all parties prior to the start of the respective political processes” and Venice Commission Good Practice on electoral matters. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2002\)023rev2-cor-spa](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2002)023rev2-cor-spa)

³ Article 465.15 Election Law

⁴ The most recent electoral reform addresses the remainder in multi-member circuits and amends Article 380 of the Electoral Code.

⁵ For example, a decree was issued on 19 April 2024 regulating the possibility for parties to establish links in each polling centre. The last modification took place on 26 April 2024 eliminating the electronic voting in Atlapa.

V. ELECTORAL SYSTEM

In one round election, the president was elected by popular vote. Members of the National Assembly were elected through a mixed first-past-the-post and proportional representation system, whereby legally required gender parity and proportionality were not fully complied with.

The president is elected in a single national constituency in one round election by popular vote. The candidate who gains the highest number of votes wins the election. The incumbent is ineligible for the next two consecutive terms. Mayors and local representatives are also elected through the first-past-the-post system.

Legislative power is vested in the *Asamblea Nacional*, composed of 71 members. For electoral purposes, Panama is divided into 39 constituencies (*circuitos electorales*) that do not mirror administrative divisions. The constitution provides for proportionality and mandates that the number of seats per constituency be revised before every election. However, the number of seats per constituency has not been updated since 2006. There are 26 single-member constituencies using the first-past-the-post system and 13 multi-member constituencies electing 45 members through open-list proportional representation, where seats are allocated according to a double quotient formula (*cociente, medio cociente y residuo*). The law foresees a gender parity of 50 per cent for party lists and self-nominated candidate's lists, however those provisions were not complied with (see the section on women participation).

Recommendation: It is recommended that the number of seats per constituency be revised to ensure that the equality of the vote is in line with Panama's legislation.

The 20 members of Panama to the Parlacen are designated based on presidential election results. Political parties with over two per cent of the valid votes in the presidential election that submitted candidates to the Parlacen are considered for the allocation.

In October 2023, article 380 of the election law, which regulates how seats are allocated to candidates within alliances and party and candidate lists, was amended to clarify the formula, which benefits the biggest party within an alliance.

VI. ELECTION ADMINISTRATION

The TE reported smooth operations leading up to the election, however, its responsibility to decide on the Martinelli and Mulino cases with important political implications, as well as several glitches related to the security of election technology reduced trust in the TE.

Structure of the election administration

The TE is an independent body established in the constitution pursuant to article 143. It has wide-ranging powers. It is responsible for the civil registry, the issuance of national identification cards, the registration of candidates and political parties, and the organisation and oversight of elections and referendums. The TE has exclusive competence to interpret the election law.

The TE was led by three magistrates, each appointed by one of the state's branches on a staggered ten-year term basis: one by the executive, one by the National Assembly, and one by the Supreme Court of Justice.⁶ The TE was well-resourced and staffed. It had 15 permanent regional offices, and an election operation budget of over USD 54 million.

The electoral calendar started two years prior to election day; the latest General Election Plan (*Plan General de Elecciones*, PLAGEL) was launched in March 2022, when elections were called for. Thirty-six working committees executed a comprehensive plan guiding all stages of the electoral process.

EEM interlocutors expressed broad confidence in the TE's ability to deliver organisational and logistical preparations for all elections, despite criticisms stemming from the political affiliations of the TE magistrates, and the TE's recent decisions related to the cases of Martinelli and Mulino.

The principles of accessibility, certainty and clarity were not fully respected by the absence of consistent standardised procedures for publishing and communicating TE decisions. A number of key documents, regulations, decrees, data on voters registered per constituency, and results, were unavailable electronically and not uploaded to the TE website, limiting transparency and the right to access information. The publication of consolidated results on the TE website was discontinued few days after the election and the web site of the *Junta Nacional de Escrutinio*, did not publish data.

Recommendation: To enhance transparency, legal certainty, and clarity, it is recommended that updated statutory and regulatory legislation and TE decisions be made available to all stakeholders by uploading them to the TE's website. The JNE could publish relevant data on results on its website.

Administration of the election

The TE reported smooth operations leading up to the election. Preparations proceeded seamlessly, according to the electoral calendar, including the distribution of equipment and sensitive election materials to polling sites. As per the election law, the TE assumed command of all law enforcement agencies (*fuerza pública*) on 29 April until the proclamation of results, which meant that the TE had their personnel, equipment and vehicles at its disposal.

The most notable challenge emerged in the recruitment and training of over 30,000 polling station members (*miembros de mesa*), four per polling station (one president, one secretary, one vocal and one member), and their alternates (*suplentes*). The legislation forbids citizens affiliated with political parties and those who supported self-nominated candidates, relatives to candidates or any permanent member of the election administration to serve as polling staff members. These requirements disqualified many voters and led to recruitment difficulties for the TE, especially in small and remote

⁶ President Mag. Alfredo Juncá Wendehake was appointed by the parliament in 2017; Mag. Eduardo Valdés Escoffery was appointed by the executive in 1990, and Mag. Luis Alfredo Guerra Morales was appointed by the Supreme Court in 2022. The incoming executive will be in charge of appointing a replacement for Mag. Valdés.

areas.⁷ Additionally, the TE competed with more financially attractive offers from political parties and candidates recruiting observers for polling day. As a result, the TE had to make late recruitments to fill all polling stations.

On election day, all polling stations were operational, though many were composed by inexperienced students without adequate TE training. This resulted in some errors in filling out the forms, which delayed the proclamation of results in a few contested areas (see polling and counting section).

Election technology

In the weeks running up to the election, a number of glitches connected to the use of election technology questioned the TE's credibility. Advance online voting for the presidential election was foreseen for voters residing abroad, those on duty on election day, and individuals with disabilities who had registered. There were 4,458 voters entitled to vote in advance from 23 April to 2 May. The electronic ballot uploaded on 23 April showed misplaced candidates and prompted vociferous complaints. The TE halted online voting for a few hours to resume it later on the same day. The impact of the error on the design of the ballot and TE's decisions on the voting process was minimal, but this mistake raised concerns about the TE's overall capacity and the system's reliability.

As part of a pilot test, voting through digital ballots was planned for some 10,000 voters registered to vote in the 20 polling stations in the centre of Atlapa, Panama City. On 26 April, the TE decided to cancel the electronic voting and opted for the use of paper ballots to address mistrust in the electronic voting system caused by the error in the design of the online ballot of advance voting and media reports alleging serious security breaches in the TE's network.⁸

Just a week before the vote, the newspaper *La Prensa* published a report whose authors were hired by the TE to audit the system. They claimed to have infiltrated the network, copied large amounts of data and changed a candidate's name, among other unauthorised changes. The test was commissioned by the TE to check the weaknesses of the system to address them before the election. The technical directors of the TE claimed to have solved most of the problems. However, they admitted that the system was not completely secure.

The fear of interference in the electoral process persisted during the last week of the electoral campaign. While the electoral system is paper-based, the *Sistema de Transmisión de Resultados* (TER), the image storage of the polling station reports and the applications for a provisional calculation of the results use computer servers connected to the Internet and are therefore vulnerable to hacking.

Recommendation: To guarantee the integrity of the process it is recommended to upgrade the security of TE's technological systems and that independent companies or bodies audit the protection of TE's networks and databases well ahead of elections, especially those directly involved in the voting and counting processes.

⁷ According to the TE, over 55 per cent of the voters are affiliated to a political party, and during this process, self-independent candidates gathered over 1.1 million signatures of support all together.

⁸ <https://www.prensa.com/politica/el-proceso-electoral-puede-ser-manipulado-advierte-informe/>

Voter Education

The election law requires the Electoral Tribunal to provide voter education and increase public awareness of the electoral process. This includes both more general information on the process itself and education to assist in improving the public's understanding of the purpose of holding elections. The Electoral Tribunal conducted a campaign to highlight issues covering the secrecy of the vote, vote buying and selling, voter registration, election day procedures and complaints mechanisms. This included a range of publications and visibility material. The TE also supported civil society and political parties, which have taken on a major role in ensuring voters were informed. On 5 May the TE conducted a parallel election in which kids from 5 to 17 years of age participated (*elección infantil*).

VII. VOTER REGISTRATION

Ten per cent of the electoral roll were first time voters. No concerns about the inclusiveness and accuracy of voter lists were reported.

The right to vote is extended to citizens aged 18 and above, with exceptions for those under judicial interdiction, those with suspended political rights, individuals who acquired a citizenship they were not entitled to at birth, and those employed by a hostile State.

Voter registration is passive, continuous, and permanent. The TE maintains and updates the electoral roll, which is based on the civil registry, also managed by the TE. The election law and TE regulations outline procedures and deadlines for voter registration and protocols for addressing registration-related complaints. Per the electoral calendar, the preliminary voter roll was published on 20 January 2023 and the final on 29 January 2024.

In this election 3,004,083 citizens were eligible to vote, 9 per cent more than in 2019. Of them, 50.3 per cent were women, and 48 per cent were 40 years old or younger. There were 323,367 citizens registered as voters for the first time, and 3,788 voters who registered to vote from abroad. No major concerns about the inclusiveness and accuracy of voter lists were reported.

VIII. CANDIDATE REGISTRATION

Voters were offered a diverse pool of choices. However, the process of registration that started two years before election day was long, expensive, and cumbersome.

Presidential candidates must be Panamanian citizens at birth, at least 35 years old, and hold no previous convictions for a criminal offence that has led to imprisonment for more than five years. This life-long blanket restriction on suspending suffrage rights is at odds with international standards⁹. Presidents cannot run for the next two consecutive terms. Those who served in the absence of the elected incumbent in the three years immediately preceding the election are not eligible for presidential office. Candidates must not be

⁹ Article 25 ICCPR, United Nations Human Rights Committee, General Comment No. 25.

related to the previous president within the fourth degree of consanguinity (blood relation) or the second degree of affinity (relation by marriage).

Members of parliament must be citizens at birth or naturalised; they should have lived in the country for at least fifteen years after obtaining naturalisation, be at least 21 years old, and not have been convicted of a prison sentence of five years or more. Additionally, they must have been residents of the corresponding electoral district for at least one year to become candidates.

Candidates can be proposed by parties or be self-nominated. The four parties with over 100,000 members were mandated to conduct primaries in June and July 2023: PRD, CD, RM and PAN. Self-nominated candidates were required to submit a minimum number of support signatures to be registered, equivalent to more than two per cent of the valid votes cast in the last election for that constituency. Only the three candidates that obtained the highest number of signatures could qualify to run. Aspiring self-nominated candidates had one year to collect support signatures.

The process of candidate registration was excessively long, costly, and cumbersome, especially for self-nominated candidates. Candidates sponsored by political parties were nominated one year before the election, while self-nominated candidates had to start the procedure two years before the election.

Recommendation: the process of candidate registration could be eased and shortened. The electoral calendar could be reviewed so that nominations and primaries take place closer to the election day. The period for collecting support signatures could be reduced.

Self-nominated candidates (*candidatos de libre postulación*) are not independent candidates (*candidatos independientes*). The law does not prevent party members from running as self-nominated candidates; it also allows a party to endorse a self-nominated candidate.¹⁰ A candidate may run for multiple elective positions under different political platforms.¹¹ If elected to more than one position, candidates decide which position to take – and their alternates replace them in the position they do not take. The law allows for pre-election public subsidies to cover campaign costs, so that candidates running for more than one position have an advantage in terms of access to resources and visibility over other candidates running for only one position.

Recommendation: to protect the voter's right to make an informed choice and ensure a level playing field, a ban on multiple candidacies could be considered.

A total of 6,876 candidates competed for 885 positions contested in all the elections (presidential, legislative, local and Parlacen). Of them, PRD nominated 885, RM 881, CD 825, Alianza 817, PP 631, PAN 613, MOLIRENA 557, MOCA 442, PAIS 314. There were 744 self-nominated candidates.

¹⁰ Art.356 and 383 election law, for example Arrocha was self-nominated and endorsed later by PAIS.

¹¹ For instance, Zulay Rodríguez, PRD member of parliament, ran for president and for the National Assembly as an independent and for mayor of San Miguelito under RM.

Mulino's case

Martinelli faced charges of multiple offences against public administration during his presidency. Despite this, he emerged victorious in the RM party presidential primary. After much extended legal court proceedings, Martinelli's conviction was confirmed on 2 February 2024. On 3 March, the TE disqualified Martinelli and replaced him by his running mate Mulino -although he did not pass a primary process- as the presidential candidate. This decision caused an appeal of unconstitutionality, which affected the rest of the electoral process until two days before the elections (see electoral dispute section).

IX. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

Transparency and a level playing field remain of concern.

Campaign background

The campaign lasted 90 days; it started on 3 February and concluded on 2 May at midnight. It was characterised by a competitive environment with candidates exercising their rights to freedom of speech, assembly, and movement without hindrance. Campaign rules outlined in the electoral law and TE regulations provided a conducive environment for the conduct of campaign activities. While these regulations were designed to ensure fairness and transparency, the many bureaucratic and complex requirements imposed by the TE to obtain approval for the use of public space for campaigning, procurement of campaign material, and compliance with campaign finance regulations and reporting became a substantial administrative burden, particularly for candidates with limited resources.

Campaign environment

The campaign in public spaces was low-key, with no relevant election related incidents reported. To reach voters, candidates used various tools, such as door-to-door canvassing of households, public rallies, indoor gatherings, and to a lesser extent, billboards, and posters. Candidates actively campaigned in the media and on social media. Some 100 debates were organised at local level among candidates running for parliament and mayoral candidates.

Five presidential debates were aired to a national audience; the TE organised the three debates provided by the election law. Two thematic sectoral debates, one on tourism and the other on agriculture were organised by the National Chamber of Tourism and agricultural professional organisations, respectively. However, Mulino did not participate in any debate, and Carrizo declined attendance in the last debate organised by the TE on 17 April.

Campaign dynamics were marked by Martinelli's disqualification and uncertainty over Mulino's candidacy. Mulino's participation in the election polarised and dominated the public debate. Views that favoured his participation gathered increasing support in the last days of the campaign. Polls indicated that Mulino held a significant lead over his closest rivals Lombana, Torrijos, and Roux. Yet, a considerable number of voters remained undecided, hovering around 20 per cent, making all outcomes possible.

Martinelli continued campaigning actively from the Nicaraguan embassy despite the court banned his direct involvement and support to any candidate.

The campaign focused on candidates' personalities, but critical national issues such as unemployment, the First Quantum copper mine, concerns over the drought and the Canal, corruption, and the social security system took a central stage in the campaign.

Reports from multiple sources indicated that money played a key role in the campaign perpetuating *clientelismo*. Candidates, political parties, voters, and electoral administration personnel informed the EEM of instances of gifts being distributed during the campaign, including for example, bicycles, construction materials, food packages, and household appliances such as microwaves, laundry machines, stoves, and mattresses. The prevalence of clientelism was reportedly lower than in previous elections, but the extent of these transactions was widespread.

The last days of the campaign unfolded amidst an air of unpredictability, driven by uncertainty and anticipation. While the focus remained on Mulino's candidacy, errors attributed to the TE, sparked widespread concerns regarding both the institution's capability and the overall security of the process.

On 28 April, Mulino concluded his campaign with a well-attended event, rallying supporters under his campaign slogan: "Martinelli es Mulino, Mulino es Martinelli". Lombana, Roux and Torrijos each called for the strategic vote for themselves to beat Mulino (*voto útil*). On 30 April, Arrocha, running independently and endorsed by PAIS, shifted his campaign efforts to support Torrijos. Arrocha's move was criticised, particularly because he had neither consulted nor informed PAIS of his intentions. PAIS president Toto Álvarez refrained from endorsing Torrijos.

The publication of the last pre-election poll was delayed, adding to the suspense. It was released on 2 May, with Mulino leading with 37.6 per cent of the vote, followed by Torrijos (16.4), Roux (14.9), and Lombana (12.7).¹² The election campaign officially ended at midnight on 2 May without any decision from the Supreme Court regarding Mulino's candidacy.

Campaign finance

Campaign finance rules are outlined in the election law and TE regulations. The election law tasks the TE with the oversight of campaign finance, regulates both, public and private sources of funding, and determines spending limits, reporting requirements, and sanctions for non-compliance.

The law provides for pre-election and post-election public funding. The TE distributed USD 45 million as pre-election public subsidies to finance campaign costs. By law, 7 per cent of the total amount was allocated to self-nominated candidates, and 93 per cent to political parties based on the results of the 2019 election. Positively, political parties and self-nominated candidates without representation in elected bodies, were also entitled to pre-election public funds based on their membership and number of support signatures obtained to compete. However, the disparity in the amount each presidential candidate received clearly disadvantaged self-nominated candidates. For example, PRD received

¹² <https://www.prensa.com/politica/quieres-saber-el-resultado-de-la-nueva-encuesta-de-la-prensa-entra-aqui/>

almost USD 16 million, while independent candidate Maribel Gordón received some USD 800,000. Roux, endorsed by CD and Partido Panameñista, received over USD 21 million as a pre-election public subsidy. Another USD 45 million would be distributed among contestants who gained over 2 per cent of the valid votes after the election based on the number of votes they obtained.

Private financing is also permitted including the candidate's own funds, cash donations made by citizens and legal entities, and in-kind contributions. Funds from foreign and anonymous sources, public companies and religious institutions are prohibited; the law forbids contributions from individuals or companies convicted of illegal drug and human trafficking, illegal mining, tree felling, money laundering or terrorism. Private funds for campaigning may not exceed USD 10 million for presidential candidates, USD 300,000 for members of parliament, and USD 10,000 for Parlacen.

Candidates are required to make all transactions related to the campaign from a dedicated bank account and submit a financial report on contributions and expenditures to the TE within 15 days of election day. Failure to comply with campaign finance regulations or submit the report leads to disqualification.

Candidates are not required to report on funding nor is the TE required to publish any campaign finance information prior to election day. This limits transparency of candidate finances and the voters' ability to make an informed choice. Moreover, despite detailed regulations, transparency and a level playing field remains of concern. Provisions or ceilings are set at such a level they do not provide for a level playing field between candidates¹³. The law does not ensure that all candidates have equitable access to funding and provides insufficient disclosure requirements limiting the possibility of public scrutiny.

Recommendation: To enhance transparency and level playing field, it is recommended that campaign finance rules are revised in line with international standards and best practices. Caps on contributions and spending could be reduced. Public disclosure and could be implemented throughout the campaign, to promote transparency and timely action.

X. MEDIA

Panama's legal framework protects the work of the press, which was able to cover the campaign with ease. Martinelli and the Supreme Court's decision on Mulino's candidacy hovered over the entire campaign.

Panama's constitution guarantees freedom of expression and access to public information¹⁴. There are no more specific legal provisions for the media, since the National Assembly repealed in 2005 the "gag" press laws, enacted during the former military regime (1968-1989). However, current defamation laws offer little protection to journalists, who often face civil and criminal prosecution. Criminal cases are frequently dismissed at first instance, but civil cases, which can involve millions of dollars in assets

¹³ Article 25, ICCPR, United Nations Human Rights Committee, General Comment No. 25, paragraph 19: "Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by the disproportionate expenditure on behalf of any candidate or party."

¹⁴ Articles 37, 43 and 89 of the Political Constitution of the Republic of Panama.

freeze and damages, drag on for years. As a result, many journalists censor themselves to avoid further accusations.

Panamanians turn to television and radio for information and, to a lesser extent, to newspapers, now also victims of the global press crisis¹⁵. Five media groups dominate the media landscape in Panama. The country's main newspapers are owned by two media groups (CORPRENSA and GESE) and the main radio and television stations belong to two other groups (MEDCOM and TVN). Former President Ricardo Martinelli owns a fifth media group (EPASA), which is involved in the recent trial in which he was convicted¹⁶. This court ruling stopped Martinelli's plans to run for president in 2024 and prohibited him from appearing in ads as a candidate and from publicly endorsing other candidates. Despite the court ban, Martinelli's presence was constant throughout the election, and he actively campaigned from the embassy of Nicaragua in Panama City¹⁷.

Campaign coverage

Journalists had access to election information and key players and provided extensive coverage of political tensions during the campaign, especially concerning José Raúl Mulino and CSJ's decision on his candidacy. Of the total coverage devoted by media to presidential candidates,¹⁸ Mulino received the most attention with 40.15 per cent of the news coverage allocated, followed by Martín Torrijos (15.09) and Ricardo Lombana (11.46) (see annex 2, figures 3 and 4). Less coverage was given to Rómulo Roux (9.27), Melitón Arrocha (7.10) and José Gabriel Gaby Carrizo (6.40). Women candidates were under-represented in the press, less than half or a third as much as their male counterparts. At the end of the list, the two female candidates received only 10.5 per cent combined (Zulay Rodríguez 5.56 and Maribel Gordón 4.97).

The tone of the coverage used by the press was mostly neutral, although the EEM detected bias towards certain candidates (see annex 2, figures 5 and 6). Torrijos and Gaby Carrizo received most positive coverage with 54.30 and 41.40 per cent respectively. Rodríguez and Arrocha were covered negatively in 64.80 and 41.90 per cent of the news space, respectively.

¹⁵ Information provided by interlocutors from the press and trade associations. There is no independent audience and circulation measurement office.

¹⁶ Martinelli was sentenced to over ten years in prison and fined almost USD 20 million for money laundering in the so-called *New Business case*. According to the verdict, the former president awarded public contracts to several businessmen in exchange for the payment of more than USD 40 million to a company he controlled. This money was later used to buy the newspaper *Panamá América*.

¹⁷ The TE not only warned the RM against Martinelli's advertising strategy, but also issued fines to the party, removed ads deemed illegal and announced that it would not finance them. Tribunal officials say they can't go further without infringing on former President's freedom of expression. However, the Panamanian foreign ministry filed a complaint with the Nicaraguan government for supporting Martinelli's interference in the electoral process.

¹⁸ The EU EEM monitored news editions from 10 mediaprint, television and radiomedia outlets (televisions, radios, print online websites) between April 15 and May 4, 2024, The print and online editions of 3 newspapers: *La Prensa*, *La Estrella de Panamá* and *Crítica*; the online media *metrolibre.com*; the morning news programmes of *Telemetro* and *TVN*; (*private TV Channels*) and the morning news programme of radio *Panamá en directo* (*Private Radio Channel*) . .

Electoral advertising

The *Código Electoral* seeks to ensure that parties and candidates have the right to contract electoral advertising on equal terms and at the same rates. The State provides the electoral pre-financing from which electoral advertising will be hired. This funding will be entirely public in the case of presidential candidates and mixed public and private for deputies, mayors, township representatives and councilors. The TE supervises the procurement and dissemination of these election advertisements.

The 2021 election law reform updated the regulations to cover new technologies that facilitate the dissemination of political advertising, including digital versions of traditional media, native digital media, mobile applications, search engine advertising, email and messaging apps, among others. The TE also introduced new accountability mechanisms for digital political advertising. Political parties and candidates must now declare their website domains, social media accounts, and paid accounts they use for propaganda. They must also register the person who manages their digital media, who will share legal responsibility with the party.

The new election law reform aims to cover new digital media and requires all paid election content to be labelled as advertising. However, the Electoral Tribunal has struggled to control covert advertising posted by influencers and public figures on social media. Currently, the tribunal can only summon the alleged offender and ask them to sign an affidavit stating that they did not receive money in exchange for the published content. However, media civil associations report that many payments are made in cash, making it challenging to prove economic transactions.

Spending on social media advertising was very uneven. Roux (USD 496,355), Torrijos (USD 301,705), and Carrizo (USD 283,648) spent the most on campaign advertising on Facebook and Instagram, up to nine times more than Lombana, and up to 120 times more than Arrocha and Rodríguez.¹⁹ The winner only spent USD 53,764 on these networks, according to Meta. Gordón did not invest at all.

XI. SOCIAL MEDIA

The online campaign was competitive and respectful, supported by the TE's Digital Ethics Pact. Unlike the 2019 elections, no significant instances of disinformation were detected.

Internet penetration in Panama is high, and the use of social media for electoral debate has been intensive during the last two elections (see annex 3). The most used social media platforms are TikTok, Instagram, YouTube and Facebook²⁰. The social media campaign has been intense and competitive yet generally respectful. The TE promoted signing a Digital Ethics Pact, a commitment for citizens and politicians to avoid dirty campaigning on social media, through fake accounts, bots or other tools for disinformation. Unlike the 2019 election, which was marred by the use of call centres to spread false or misleading

¹⁹ Meta Ad Library sample from 90 days before E-Day show that Roux spent USD 496,355, Torrijos 301,705, Carrizo 283,648, Lombana 76,252 and Mulino 53,764, Arrocha 8,767 and Zulay 4,060.

²⁰ Datareportal. Digital 2024: Panamá.

information, the EEM did not identify any significant instances of disinformation in the 2024 election and none was also reported by stakeholders met by the EEM.

In 2023, amendments to the *Código Electoral* included a chapter on disinformation, which establishes penalties of up to four years in prison for anyone who "manipulates digital media on a massive scale to compromise the integrity of the electoral process."²¹ When the law was published, press associations considered it too general and, therefore, dangerous for their information work. A subsequent court decision²² addressed these concerns specifying the 20 cases that would be considered punishable²³: creating or managing networks to amplify misleading narratives, spreading conspiracy theories, and creating false content using artificial intelligence, among others.

Despite having one of the first provisions on disinformation within the election law in the region, Panama lacks a robust fact-checking infrastructure. No company or CSOs are engaged in the verification of information circulating on social media. The TE established the *Centro de Estudios y Monitoreo Digital* (CEMD), which has three main functions: communicating the Tribunal's work through social media, monitoring campaign advertising in the media and online platforms, and verifying and debunking viral misinformation. During the last year, the CEMD published more than 70 cases of false or misleading information on its portal *verificadocontigo.com*. Most of this information concerned the Tribunal and its judges. However, the CEMD did not analyse false reports about the candidates or other aspects of the election.

The CEMD's work has raised suspicions on social media, where people questioned the Tribunal's dual role as judge and party in verifying information about itself.

Recommendation: Encourage and support the establishment of independent, non-governmental and non-partisan fact-checking organisations.

When the CEMD detects a possible online violation of the electoral regulations, it refers the case to the *Dirección Nacional de Organización Electoral* (DNOE), whose lawyers can then forward it to the General Electoral Prosecutor's Office, depending on the seriousness of the case. The CEMD and DNOE also ask the offending individual or company to remove the content from their social media profile. If they do not comply, they ask the social media platform to remove it. Despite the cooperation agreements signed with Meta, the CEMD has found it difficult to get the company Meta to comply with removal orders citing conflicts with its internal policies²⁴.

During the election silence period, CEMD detected a campaign of advertisements denigrating Roux, Lombana and Torrijos from an account linked to Mulino. As verified by the EEM, these ads were active for at least six of the nine hours during election day.

²¹ Art. 539 of the Electoral Code.

²² Decree No. 7 of 23 January 2024 of the Electoral Tribunal.

²³ <https://www.tribunal-electoral.gob.pa/wp-content/uploads/2024/01/BOLETIN-DEL-TRIBUNAL-ELECTORAL-N.%C2%B0-5560.pdf>

²⁴ Between February and April, the Electoral Tribunal demanded Meta to remove 15 videos posted on Instagram and Facebook. These videos were in breach of Panamanian electoral legislation but were not removed.

<https://www.prensa.com/politica/meta-sabia-sobre-una-red-de-desinformacion-contralombana-yroux-en-sus-redes-no-la-desactivo/>

XII. THE PARTICIPATION OF WOMEN

Despite legal improvements favouring equal gender representation, none of the parties complied with the parity requirement, circumventing the regulations using clauses that undermined its effectiveness.

Panama is a signatory to the principal international instruments to safeguard women's political rights. Amendments to the election law introduced in 1997 (Law 22, Art. 182-A) marked a significant step towards gender parity with an electoral quota of 30 per cent for women in all nominations. This quota was further strengthened in 2012 (Law 54, Art. 239) and 2017 (Law 29, Art. 303), which mandated a minimum of 50 per cent of women candidates in internal elections and primaries.

Law 356, amending the election law and approved on 1 February 2023, mandates gender parity in political party conventions for nominations. This rule also applies to the election of internal party authorities. Political parties must nominate equal men and women for the leading positions of deputies, mayors, representatives, councilpersons, and internal party structures.

While the law advocates for equal gender representation, it does allow for some exceptions. For instance, men may fill the women's position as candidates nominated after receiving approval from the party's women's secretariat, certifying that no women are available for these positions. This provision allows for flexibility in the gender parity rule, increasing potential disadvantages for female candidates. All lists must adhere to these requirements to be eligible for admission.

An unconstitutionality lawsuit was filed on 27 July 2023, seeking to eliminate the obligation for political parties to nominate a substitute of the opposite sex for every principal candidate. On 22 May 2023, the Supreme Court of Justice declared the rule of gender parity in nominations constitutional.

Law 184 on Political Violence was enacted in November 2020. The purpose of this law is to prevent, punish and eradicate political violence against women through any action, conduct or omission carried out directly or through a third party, which, based on their gender, causes harm or suffering to one or more women and which is intended to undermine or nullify the recognition, use and full enjoyment or exercise of their political rights. These behaviours can include physical, sexual, psychological, ethical, moral, economic or symbolic violence, as well as discrimination in any form within political parties and structural violence generated by the State itself by producing norms and/or establishing discriminatory, exclusionary and subordinating policies against women. While this is a step forward, more clarity is needed regarding the sanctions that will be imposed.²⁵ Law 184 does not mention online political violence. The Pan American Institute of Law and Technology (Ipandetec) published a report on political violence

²⁵ The law mentions that the commission of political violence against women will be considered a misdemeanour. According to the misdemeanour and its reincidence, the following sanctions will be applied: public or private warning, suspension of employment and/or salary, fine, and removal of messages contrary to this law, without specifying anything else.

against women on social media.²⁶ Social media behaviour of 34 female candidates for various political posts was monitored during the whole campaign, from 3 February to 6 May 2024. The report concluded that the lack of effective oversight by competent authorities of social media platforms contributes to impunity for perpetrators of online political violence, and that digital political violence has a significant impact on women's political participation, discouraging their candidacies and limiting their freedom of expression and action, an argument for Law 184 to include political violence offline as well as online.

Regarding public financing, the 2019 election law changes require political parties to receive 50 per cent of post-election funds for training, with at least 20 per cent dedicated only to female training. Despite the progress made, the effective implementation of the law's provisions took time to be carried out promptly during the primary process, resulting in a lack of equality in the nominations for the election of deputies, mayors, and representatives.

The political parties needed to take adequate measures to encourage women's political participation. According to interlocutors, the training process for women candidates was not constant and only initiated when the campaign had already begun, which led to the creation of "escape valves" where the lack of qualified female candidates meant that men could replace them. The Women's Secretariat of political parties does not always have access to this 20 per cent subsidy. According to the Women's Forum of political parties, the lack of training of women candidates, the lack of financial support, the historical patriarchy of political parties with masculine practices, and the male control by the party leadership make women's access to leading positions within political parties difficult. , forcing to certify the Women's Secretariat of political parties that no women candidates comply with the parity requirement.

Recommendation: Revise the escape valve clause in the lists that allows parties to avoid complying with the parity requirement, ensuring equal opportunities for women candidates.

The total number candidates registered was 6,851, of them, 1,321 or 19.28 per cent were women. The number of alternates (*suplentes*) was 6,656, of them, 3,389 or 50.92 per cent, were women. Of the 71 members of the National Assembly elected, 15 were women, around 21 per cent of the total. The total number of mayors was 81, out of which 11 were women, representing 13,58 per cent. The total number of local representatives was 701, out of which 79 were women, representing 11,26 per cent. The total number of the councilors elected was 11, out of which 2 were women, representing 18,18 per cent. In sum, out of a total of 864 elected positions, 107 women were elected, representing a total of 12,38 per cent.

Two of the eight presidential candidates were women: Zulay Rodríguez and Maribel Gordón. They finished in the fifth and seventh places, respectively.

The results are barely different from the overall results for 2019, which was 11.73 per cent, and for 2024, one per cent more, or 12.38 per cent, because the number of women

²⁶<https://www.laestrella.com.pa/panama/informe-de-ipandetec-revela-alta-violencia-en-redes-sociales-contra-candidatas-CL7519576>

representatives in corregimiento increased by 1 per cent while the rest of the positions remained unchanged.

XIII. THE PARTICIPATION OF NATIONAL MINORITIES

17 per cent of the population is considered indigenous population, and logistical efforts were made to ensure their participation in elections.

Panama has a rich cultural diversity. The country has ratified the main international treaties on protection and promotion of the rights of indigenous peoples²⁷. The constitution recognises indigenous groups by giving them an ethnic identity. The state must implement projects that advance each culture's material, social, and spiritual values and focus on preserving, researching, and disseminating indigenous languages. Moreover, the constitution mandates that the state create educational and outreach initiatives for indigenous peoples to encourage active citizenship engagement. The *comarcas indígenas*, protected territories for indigenous peoples where they exercise an incipient degree of self-government, are also recognised by several national laws.²⁸

According to the 2023 census of the National Institute of Statistics and Census (INEC)²⁹, the indigenous population represents 17.2 per cent of the country's total population.

The TE has made significant logistical efforts to organise voting in the remote areas where some of these communities live. Helicopters, boats, and other vehicles were needed to transport election materials to the main indigenous villages, which are spread over a large part of the national territory.

While the constitution recognises the rights of indigenous people, it does not recognise specific rights of Afro-descendants (31.7 per cent of the total population, according to the 2023 census). Civil associations propose reforming the constitution to include Afro-Panamanians and creating an 'Afro caucus' to promote Afro-Panamanian initiatives in the National Assembly.

XIV. THE PARTICIPATION OF PERSONS WITH DISABILITIES

While advancements were made in this area, the TE did not fully implement adequate inclusion measures to facilitate the participation of persons with disabilities.

Panama has ratified the 2006 United Nations Convention on the Rights of Persons with Disabilities, and the Inter-American Convention on the Elimination of all Forms of Discrimination against Persons with Disabilities. National legislation includes the Law 25 of 10 July 2007 Adopting the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, adopted in New York by the United Nations General Assembly on December 13, 2006, Law 23 of 28 June 2007 establishing the National Secretary for Disability, and the Law

²⁷ Panama officially adopted the ILO Convention 107 on Indigenous and Tribal Populations in 1971, recognising the importance of safeguarding these communities. This was followed by the country's endorsement of the United Nations Declaration on Indigenous Peoples in 2007 and the American Declaration on the Rights of Indigenous Peoples in 2016.

²⁸ Emberá, Guna, Naso, Ngäbe, Buglé, Bri bri, and Wounaan.

²⁹https://www.inec.gob.pa/publicaciones/Default3.aspx?ID_PUBLICACION=1199&ID_CATEGORIA=19&ID_SUBCATEGORIA=71

15 of 31 May 2016 which establishes equality of opportunities for persons with disabilities (PwD).

The election law mandates that 10 per cent of the funds received by a party for training be invested on inclusive political actions for the empowerment of persons with disabilities. However, the participation of PwD in politics is still very scarce.

On 29 February 2024, the Pact for the inclusion of persons with disabilities and their families was signed by presidential candidates. Yet, it has no force and remains a pact of goodwill. During this electoral process, the TE created the figure of *promotor electoral*, a young volunteer who accompanies a person with special needs. However, this figure was not present in many voting centres. To improve the accessibility of electoral information for PwD, the TE included sign language in debates and made Informed Voting videos on YouTube, which, although not in sign language, were subtitled.

For the 2024 elections, the TE set up a register so that persons with disabilities could register and be assured of an accessible polling station; despite these efforts, several polling centres remained inaccessible. Some centres lacked the necessary facilities to accommodate persons with disabilities or mobility issues. As a result, elderly individuals, persons with reduced mobility, or those in wheelchairs had to be physically carried to the upper floors of the precincts so that they could exercise their right to vote. The ombudsman's office reported 139 incidents due to the inaccessibility of the polling station.

Only four persons with disabilities ran as candidates in this electoral process: one woman deputy candidate for CD in Colon, two deputy candidates in San Miguelito - an independent candidate (VAMOS) and a candidate for RM, and one independent substitute candidate (VAMOS) in Panama City (8-4). The RM candidate was the only one to win his seat as deputy.

Recommendation: Ensure genuine opportunity to vote for persons with disabilities through a conducive voting environment, enabling independent access and respect for the secrecy of the vote.

XV. THE PARTICIPATION OF THE LGBTIQ+ COMMUNITY

The issue of equal marriage was controversial during the election campaign, making most of the candidates openly position themselves against it.

The LGBTIQ+ community in Panama lacks specific legislation to protect their political rights and prevent discriminations. A local NGO named *Asociación de Hombres y Mujeres Nuevos de Panamá* launched a confidential complaint system to address this issue. The system allows community members to safely report any acts of discrimination or violence they may face during the electoral process. The complaints received are forwarded to the National Observatory of Human Rights of the LGBTIQ+ population of the Ombudsperson's Office.³⁰

The Ombudsperson's Office conducts investigations into alleged violations of the human rights of the LGTBI population. These investigations are initiated either on its own

³⁰ The Ombudsperson's Office only provides data on complaints when publishing its report after the electoral process.

initiative or in response to filed complaints. The institution's mandate involves promoting, protecting, and defending human rights.

Regarding transgender voting, the electoral roll at polling stations contains only the last registered photo, name, and ID number, without any indication of the person's gender. However, the ID card continues to carry the gender marker. For this electoral process, the TE has informed the presidents of the polling stations about trans voters who have changed their names after the finalisation of the electoral roll to ensure they are aware of the discrepancy between the cédula (ID card) they show with the new name and the previous name that appears on the electoral roll, and they are allowed to vote. However, those who have not changed their names in the ID and have a discrepancy between their gender expression and the information on their cédula and on the voter lists are subject to the decision of the polling station members.

In August 2015, a bill was introduced in the National Assembly to prevent discrimination based on sexual orientation and gender identity. However, there has been no progress in passing the law since then. Transgender individuals have been allowed to change their legal gender and name on their birth certificates since 2006, but only after undergoing sex reassignment surgery.³¹

Equal marriage was a controversial topic during the election campaign, with candidates positioning themselves for or against it, as it is currently banned in the country. In March 2023, Panama's Supreme Court ruled that there is no legal right to same-sex marriage, despite a 2018 ruling by the Inter-American Court of Human Rights that stated that member states are obliged to allow same-sex couples to marry.³²

The LGTBIQ+ community launched an 'Electoral Ethics Pact' to prevent hate campaigns against them during the election period. Only Maribel Gordón, the presidential candidate self-nominated, and her running mate Richard Morales signed the document.³³

XVI. POLLING AND COUNTING

Election day was marked by a record high voter turnout with only few minor technical hitches reported.

The EEM did not systematically observe polling and counting procedures but visited several polling centres in Panama City, namely in Bella Vista, Amelia Denis de Casa, Río Abajo, San Francisco, Santa Ana and San Miguelito, and met with the TE, citizen observer groups and journalists.

Reportedly, election day was well managed, with only a few minor technical hitches. The voting process was transparent, well-organised, and peaceful, according to interlocutors

³¹ The Inter-American Court of Human Rights ruled that forcing transgender people to undergo surgery to change their legal gender is a violation of the American Convention on Human Rights. https://corteidh.or.cr/docs/opiniones/resumen_seriea_24_esp.pdf

³² On 8 January 2018, the Inter-American Court of Human Rights (IACHR) ruled that the American Convention on Human Rights mandates and requires the recognition of same-sex marriage. https://www.esqr-net.org/sites/default/files/caselaw/judgment_iacthr.pdf

³³ [Pacto de los derechos de la poblacion lgbtiq](#)

and stakeholders. Voter turnout reached 77.66 per cent, a record high since democracy was restored in 1989.

Voting took place from 07.00 to 16.00 in 7,574 polling stations across 3,035 voting centres. Citizen observers noted that most polling stations opened on time, with few delays reported. Election day procedures were similar to those used in previous elections. Every citizen was able to check through *Verificate*, the TE online polling station finder, where they were going to cast their ballots. Once identified, voters were given four ballots, one for each contested race.

Unused ballots were burned after polling stations closed, as required by law. Used ballots were burned after result protocols (*actas de escrutinio*) were filled out and signed by polling station members and party and candidate observers present at counting. The scrutiny committees (*juntas de escrutinio*), formed by non-partisan members independent of the TE, tabulated results and made candidate proclamations.

The count went smoothly, with most of the results of polling station transmitted to the TE through the TER, *Transmisión Extraoficial de Resultados* in the first four hours after closing the polls. In Bocas del Toro, San Miguelito, and Coclé, problems with the tabulation of the results delayed the proclamation of results up to four days. Reportedly, the delays were caused by arithmetic errors in the protocols (*actas de escrutinio*) given the inexperience of polling staff members.

In Panama the tabulation and proclamation of results are not carried out by the TE but by scrutiny committees (*juntas de escrutinio*), composed of civil society representatives. The TE compiles and informs of extra official results based on information collected from polling stations through the TER. To increase transparency, the day after the election images of the polling station official tally sheets were uploaded to the TE website.

Election Observation

Around 4,000 non-partisan citizen observers and 257 international observers accredited by the TE monitored polling and counting. The domestic observer group, *Comisión de Justicia y Paz*, deployed some 3,500 observers on election day across the country, the *Defensoría* had 375 observers, the OAS also deployed 70 observers and the *Unión Interamericana de Organismos Electorales* deployed 59 observers. Party and candidate observers were present in all polling stations. In addition, 1,050 *delegados electorales*, non-partisan volunteer citizens appointed by the TE *ad honorem*, helped mediate the process and contributed to the incident-free election. Domestic and international observer groups concluded that procedures at polling stations were generally followed, that the country's right to vote by secret ballot was respected, and that counting took place in a transparent manner.

XVII. RESULTS

Only 30 minutes after the polls closed, the TE began to broadcast extra-official results based on the information transmitted from each polling station to the TE through the TER. Torrijos, Lombana, Roux and Carrizo conceded defeat before the TE informed Mulino through a video call aired on TV at 20.45 that, with over 80 per cent of the results, he had won the presidency with 35 per cent of the votes.

On 9 May, with 100 per cent of the 2,274,919 valid votes counted, José Raúl Mulino was formally declared president-elect by the *Junta Nacional de Escrutinio* with 778,763 votes, representing 34.23 per cent of the total. Mulino was over 10 points ahead of the runner-up, Ricardo Lombana, who received 24.6 per cent of the vote. Only these two candidates, running under newly formed political parties, received 60 per cent of the total vote. Carrizo, incumbent vice-president and PRD and Molirena candidate, got a total of 133,800 votes, which means that less than a quarter of the 700,000 PRD affiliated members voted for him.

This election marks the worst defeat in the history of the PRD, retaining 12 seats of the 36 seats it had in the previous National Assembly. Other traditional political forces, such as the *Partido Panameñista* and *Cambio Democrático*, retained eight seats each. *Realizando Metas* won 14 seats, *Alianza 2* and the *Movimiento Otro Camino* secured three seats. Of the 20 self-nominated candidates that won seats in the National Assembly, 19 run under the umbrella of the independent movement VAMOS (see annex 1 figure 1 and 2).

The results mark a significant shift in the country's political landscape. The emergence of independent candidates and new parties, like RM and MOCA, coupled with the decline of traditional political forces, suggests a desire for change among the electorate. The fragmented nature of the Assembly, with 8 political parties represented and 20 self-nominated candidates, leaves no single party holding a majority. The ruling party will need the independent seats to pass its bills or deal with at least three traditional parties to get the necessary numbers.

The municipal elections reflect a similar trend, with traditional parties losing ground to newer players and independent candidates. The PRD and Molirena suffered a significant setback. They retained 31 municipalities but lost the three largest in the country: San Miguelito, Panama and David. The *Partido Panameñista* and *Cambio Democrático* secured 14 and 11 municipalities respectively, while the parties of the winning presidential coalition, *Realizando Metas* and *Alianza*, won only 9 and 4 municipalities respectively. *Partido Popular* gained control of 5 municipalities, including the capital, while self-nominated candidates secured 6 municipalities, including San Miguelito. MOCA, which came second in the presidential election, won Santiago de Veraguas by a margin of two votes.³⁴

The 20 members of Panama to Parlacen are not directly elected but elected based on the results of the presidential election. Political parties with over 2 per cent of the valid votes in the presidential election are considered for the allocation. MOCA and CD Roux did not put forward any candidate. According to unofficial results, RM and *Alianza* would get ten members, among them the two sons of former President Martinelli; *Partido Popular* would get five delegates, *Partido Panameñista* two, including former President Varela, Zulay Rodríguez two, and PRD one delegate.

¹ Eric Jaén won with 16,439 votes, followed by PRD Itzelita García with 16,437 votes.

XVIII. ELECTORAL DISPUTES

An appeal of unconstitutionality against the TE's decision regarding Mulino's presidential candidacy qualification raised questions on the TE's competencies, the lacunae in the law, and the need for more specifically regulated timing of electoral judicial resolutions.

The complaint and appeal process complies with the principle of second instance. Electoral administrative court decisions can be appealed before the TE plenary. TE decisions are final and binding. The Constitution establishes that the constitutionality of TE decisions can be appealed before the Supreme Court by any citizen.

One of the most significant changes of the 2017 reform was establishing a double instance system to resolve some administrative and electoral disputes. However, it was not until the legal reform of 2021, Decree 29 of 12 November 2021, that the electoral administrative courts were turned into permanent courts, regulating the number of courts and their composition. The electoral administrative courts are responsible for resolving challenges to the preliminary electoral roll (*Padrón Preliminar*), disputes in internal party elections, challenges to nominations, disqualification of candidates, election annulment claims, electoral offences, and the lifting of electoral criminal jurisdiction (*levantamiento de fuero penal electoral*). As part of the new electoral judicial system, six electoral courts were created, with six women judges at their heads, responsible for adjudicating in the first instance. These judges are appointed and removed by the TE plenary unanimity.

Most of the pre-election complaints pertained to candidate registration. On 4 March 2024, the plenary of the TE announced the disqualification of former president Ricardo Martinelli as a presidential candidate and as a candidate for member of the National Assembly after receiving from the CSJ the certification of the executed sentence against the former president in the New Business case related to the purchase of a media outlet. A total of 10 candidates were disqualified (5 candidates for deputy and 5 candidates for local representative). Among these, the most relevant was the disqualification of Ricardo Martinelli, and the first instance disqualification of the candidate for parliament Dana Castañeda. Most of these disqualification proceedings resulted from complaints about not having resigned from public office in time or participating in the inauguration of works financed by the State. Most candidates subject to disqualification proceedings have been from PRD. The rulings carried out by the electoral administrative court seem reasonable and have been accepted by the candidates concerned. Only one case is pending appeal.

Regarding challenges to election results, the procedure remains unreasonably costly³⁵ and complicated. The election law presents loopholes in the challenge process, especially in the deadlines throughout the procedure, which give rise to a delay and uncertainty that is not electorally adequate since all challenges should be resolved before 1 July, the date of taking over office.

³⁵To file a lawsuit to challenge the results of the deputy's election, you must submit a bond of USD 25,000, compared to USD 2,000, before the electoral reforms of 2017. The bond for presidential elections is 50,000 USD and 10,000 USD for challenging the mayor's results (Art 471). Article 472 electoral law. Where the application for a challenge is decided contrary to the challenger's claims, the bond shall be ordered to be given to the respondent(s). It shall also be given to the respondent(s) where a claim has not been admitted, and that decision has been upheld on appeal. The Electoral Attorney General's Office is exempted from providing such a bond.

Petitions challenging the results can be filed from the proclamation of results made by *juntas de escrutinio* to three days after its publication in the Electoral Tribunal's Bulletin. There is still no legal deadline for the TE to publish the results (In this case, the results began to be published on 20 May). The publication in the TE Bulletin is done gradually; not all candidates are published in a single bulletin. Complainants, in general, wait until the proclamation is published in the TE Bulletin to file a petition. Once the petition reaches the electoral administrative courts, there is no legal time limit for setting the hearing date. Once the electoral administrative judge has issued the decision, an appeal may be filed within three days following the notification. The appeal is made before the Plenary of the TE; however, in this case, although it is considered a summary matter, the law does not establish the time the TE has to decide. If the resolution decrees the nullity of the election, new elections will be ordered at that time.

No credentials certifying the candidate's victory can be issued once the nullity petition is admitted and until the case is resolved.

This means that in single-member circuits, the proclaimed candidate will not be able to receive credentials, and in multi-member circuits, all proclaimed candidates will not be able to receive credentials. Therefore, they will not be able to take possession of the National Assembly on 1 July, affecting the selection and confirmation of the first Board of Directors of this body, if the cases are not resolved in the electoral justice system before this date.

The proclaimed elected candidates who were not challenged shall receive their credentials without waiting for the results of the challenge process. No credentials shall be issued to any candidate whose right to be proclaimed may be affected by failure to submit the report of private income and expenditure provided for in articles 240 and 241 of the Election Law and nullity proceedings pending before the Electoral Tribunal.

On 29 May, the TE informed that a total of 35 petitions were filed to date. Of them, 22 refer to members of parliament, 12 to local representatives and 1 mayor. Most petitions allege numerical errors in the result protocols, and two petitions were filed for exceeding the campaign expenditure ceiling established in article 465 of the election law, one by the Electoral Prosecutor's Office and another against the Bocas del Toro deputy and PRD president.

Recommendation: Establish clear deadlines for filing and resolving election challenges.

General Electoral Prosecutor's Office

The Electoral General Prosecutor's Office (*Fiscalía General Electoral*, FGE) is an adjuvant to the electoral justice system, both administratively and criminally, and is created with constitutional rank (Art. 144). The functions of the FGE include receiving electoral complaints, safeguarding the political rights of citizens, prosecuting electoral offences and contraventions, carrying out acts of investigation, requesting annulments, disqualifications, and the application of sanctions, and filing nullity suits, among others (Arts. 617-620 EC). The electoral prosecutor general is appointed by the executive body ratified by the National Assembly and serves a 10-year term³⁶.

³⁶ The CJS is the body in charge of investigating the Prosecutor.

The Electoral Attorney General's Office does not participate in the general budget for elections and has a limited budget. It also lacks the specialised staff to carry out investigations. In addition, staff contracts mostly end a few months after the electoral process, when the number of cases to be investigated increases and the staff is most needed. The Electoral Prosecutor's Office also lacks the necessary equipment to carry out forensic investigations properly.

Up to election day, the FGE's office received a total of 2,309 active criminal offences, of which 2,195 were for a fraudulent change of residence, mainly in San Felipe and Darien, where an ex officio investigation was carried out, and residence was verified house by house, affecting, in general, all political parties and even candidates of free candidacy. Seventy-three investigations were initiated on cases of use of State goods and resources for electoral campaigns. District 2 Herrera Los Santos has conducted investigations on the withholding by the RM party of voters' identification cards intending to prevent them from voting upon payment of US 10 or US 20.

The electoral prosecutor's office also investigates the abuse of parallel decentralisation³⁷ in 25 communal boards and municipalities, mainly by the PRD, based on party loyalty or political convenience. Several officials are also being prosecuted for using state vehicles for electoral purposes³⁸. Electoral computer crimes and crimes of political violence against women continue to be two areas that represent a challenge for the electoral prosecutor's office due to the lack of specialised personnel and material.

During election day, the FGE received 131 official complaints, mostly proselytising activities in violation of the electoral ban, vote buying, ballots with only one signature, scratched ballots, problems with the used pens, a case of vote buying with cash in the 8-4 district, and a case of using public resources in Penonomé, with a public car transporting people to vote.

Recommendation: As a key actor in the electoral process, consider providing the Electoral Prosecutor's Office with adequate budgetary and personnel resources to carry out its constitutionally and legally mandated functions.

Supreme Court of Justice

The Supreme Court of Justice of Panama (CSJ) is the highest court of justice in the country. It comprises nine magistrates appointed by the president for a 10-year term with the ratification of the National Assembly. The court is responsible for interpreting and enforcing the Constitution of Panama and reviewing judicial and administrative decisions. It also has jurisdiction to resolve conflicts of competence between the different organs of the State.

On 4 March 2024, the TE disqualified former President Ricardo Martinelli, the presidential candidate and favourite in the polls, due to the 10-year prison sentence he received for

³⁷The amounts of public funds are received by the National Decentralisation Authority (AND), which in turn transfers them to local governments. The term "parallel" is given because they are transfers outside the public works and municipal services investment programme (Piosm) of USD 110,000 per municipality per year and the real estate tax (IBI), according to what each municipality collects.

³⁸. Include the use of a community board bus to take people to register for the PRD party.

money laundering.³⁹ The same act of the TE decided that his then VP, Raul Mulino, would become the presidential candidate on the ballot without a VP.⁴⁰ Previously, on 2 February, the CSJ refused Martinelli's appeal against its conviction for money laundering, and the 10-year conviction became firm. The TE disqualified Martinelli after receiving the certification of the enforceable sentence against the former president in the New Business case from the Second Court for the Settlement of Criminal Cases, together with an authenticated copy of the judgment in which Martinelli was found guilty of an intentional offense and sentenced to more than five years in jail. On 7 February, Martinelli took refuge in the Embassy of Nicaragua to avoid his detention.

On 11 March, the CSJ admitted an unconstitutional lawsuit against the TE's decision to appoint Mulino as presidential candidate. The challenge argued that Mulino's nomination was unconstitutional because his party did not select him, he did not go through a primary process to be a presidential candidate, and he lacked a running mate to be his vice president if elected.⁴¹ The unconstitutionality suit kept Panamanians in suspense until two days before Election Day. Several former presidents, some of his rivals, and even outgoing president Cortizo mentioned the need for Mulino to be able to run just a few days before the elections. Other stakeholders, however, had insistently denounced the electoral manoeuvres of the convicted Martinelli and the media pressure on the CSJ.

Two days before the election, in an extraordinary session that lasted three days, the CSJ confirmed the constitutionality of the TE's decision to allow José Raul Mulino to run as a presidential candidate. The CSJ concluded that the TE erred by issuing the challenged decision, preventing the parties from choosing who would represent him as a presidential candidate, complying with the law and the parties' statutes instead of designating him *ex officio* and allowing the list not to have a candidate for vice-president. The CSJ did not agree to equate the position of vice-president, which has constitutional functions and attributions, to that of an alternate (*suplente*), who only acts in the principal's absence. However, the CSJ considered the prevalence of the right to elect and be elected and the right to suffrage in light of the Constitution's preamble, which states that its purpose is the "general welfare" of Panamanians.⁴²

After the CSJ ruling, Torrijos, Maribel Gordón, Roux, and Lombana expressed that the verdict seemed more attached to political pacts of self-protection and impunity than to the law.⁴³ However, once José Raúl Mulino won the elections, all presidential candidates accepted his victory and the election results.

³⁹ Former President Martinelli has another trial pending this year in Panama along with his two sons, former President Juan Carlos Varela (2014-2019) and dozens of other people for the scandal of bribes given by the Brazilian construction company Odebrecht to gain access to public works.

⁴⁰ The resolution was reached by consensus of Magistrates Eduardo Valdés Escoffery and Luis Guerra Morales with the reasoned vote of Presiding Magistrate Alfredo Juncá Wendehake.

⁴¹ Articles 352 and 362 of the constitution.

⁴² The president of the CSJ declared that they had contemplated the general principles of law established in the constitution, the defence of institutionality, social peace, the right to elect and be elected and political pluralism.

⁴³ <https://www.prensa-latina.cu/2024/05/03/varios-presidenciables-rechazan-fallo-de-supremo-panameno/>

XIX. RECOMMENDATIONS

No.	Page	CONTEXT	RECOMMENDATION	SUGGESTED CHANGE IN THE LEGAL FRAMEWORK	RESPONSIBLE INSTITUTION	KEY INTERNATIONAL & REGIONAL OBLIGATIONS / GOOD PRACTICE
LEGAL FRAMEWORK						
1	9	<p>The election law was last amended in October 2023, six months before the elections, when the formula to allocate seats was reviewed. Furthermore, gaps in the law allow for the possibly subjective interpretation of issues such as candidate withdrawal and replacement, registered or de facto alliances, and redress procedures.</p>	<p>The National Assembly to undertake a process of electoral legal reform well in advance of the next elections involving consultation with the CNRE, to resolve inconsistencies and shortcomings in the current legislation.</p>	<p>Election Law</p>	<p>National Congress Electoral Tribunal</p>	<p>Rule of law ICCPR, Article 2.2: “Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognised in the present Covenant”.</p> <p>UN Human Rights Council, Resolution 19/36 of 2012 (A/HRC/RES/19/36), paragraph 16: “Calls upon States to make continuous effort to strengthen the rule of law and promote democracy by c) ensuring that a sufficient degree of legal certainty and predictability is provided in the application of the law, in order to avoid any arbitrariness”.</p>

2	9	<p>The legal framework generally complies with international and regional standards for democratic elections. However, the substantial volume of decrees issued by the Electoral Tribunal (Tribunal Electoral, TE) poses a significant challenge to their application.</p>	<p>Minimise the number of decrees close to election day, especially those affecting the campaign period, to provide security and certainty in the legal framework for the electoral process.</p>	TE regulations	Electoral Tribunal	<p>ICR, article 25. ICCPR GC 34, para. 25 “A norm, to be characterised as a “law”, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly, and it must be made accessible to the public”.</p> <p>Transparency and access to information</p> <p>ICCPR, article 19, HRC GC 34, para. 19 “States parties should proactively put in the public domain Government information of public interest.”</p> <p>ACDEG, article 44(b)” State Parties shall take all necessary measures in accordance with constitutional provisions and procedures to ensure the wider dissemination of the Charter and all relevant legislation as may be necessary for the <i>implementation</i> of its fundamental principles.</p>
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ELECTORAL SYSTEM						
3	10	The constitution provides for proportionality and mandates that the number of seats per constituency be revised before every election. However, the number of seats per constituency has not been updated since 2006.	It is recommended that the number of seats per constituency be revised to ensure that the equality of the vote is in line with Panama's legislation.	TE regulations Election Law	Electoral Tribunal National Assembly	Equality of the vote ICCPR , General Comment No. 25, para. 21: "The principle of one person, one vote, must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."
ELECTORAL ADMINISTRATION						
4	11	Accessibility, certainty, and clarity were compromised by the absence of consistent procedures for publishing and communicating TE decisions. A number of key documents, regulations, decrees, data on voters registered per constituency, and results, were unavailable electronically and not uploaded to the TE website, limiting transparency and the right to access information. The JNE did not upload data on results to its website.	To enhance transparency, legal certainty, and clarity, it is recommended that updated statutory and regulatory legislation and TE decisions be made available to all stakeholders by uploading them to the TE's website. The JNE could publish relevant data on results on its website.	No legal change required	Electoral Tribunal Junta Nacional de Escrutinio	Transparency, access to information ICCPR, United Nations Human Rights Committee, General Comment No. 25, paragraph 19.: "States parties should proactively put in the public domain Government information of public interest. "

5	12	<p>The threat of interference in the electoral process persisted during the last week of the electoral campaign. TE admitted that the system was not completely secure and servers connected to the Internet were vulnerable to hacking.</p>	<p>To guarantee the integrity of the process it is recommended to upgrade the security of TE's technological systems and that independent companies or bodies audit the protection of TE's networks and databases well ahead of elections, especially those directly involved in the voting and counting processes.</p>	<p>No legal change required</p>	<p>Electoral Tribunal</p>	<p>Good practice to enhance the integrity and security of the process.</p> <p>Integrity, transparency and accountability of public property</p> <p>UNCAC, art.5.1 "Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability."</p>
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REGISTRATION OF CANDIDATES AND POLITICAL PARTIES						
6	14	The process of candidate registration is long, costly, and cumbersome, especially for self-nominated candidates. Candidates sponsored by political parties were nominated one year before the election, while self-nominated candidates had to start the procedure two years before the election.	The process of candidate registration could be eased and shortened. The electoral calendar could be reviewed so that nominations and primaries take place closer to the election day. The period for collecting support signatures could be reduced.	Election Law	Electoral Tribunal National Assembly	<p>The right to stand</p> <p>Article 25 ICCPR, General Comment No. 25, paragraph 16: “Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory.”</p> <p>paragraph 17: “The right of persons to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination this requirement should be reasonable and not act as a barrier to candidacy.”</p>
7	14	A candidate may run for multiple elective positions under different political platforms. Candidates receive public funds to cover campaign costs. Running for more than one office gives an advantage in terms of access to resources and visibility over other candidates. Candidates elected to two positions choose which one to take and are replaced in the one they do not take by their alternate.	To protect the voter’s right to make an informed choice and ensure a level playing field, a ban on multiple candidacies could be considered.	Election Law	Electoral Tribunal National Assembly	<p>General principle of fairness and the voter’s right to make an informed choice</p>

CAMPAIGN FINANCE						
8	17	Provisions or ceilings are set at such a level they do not provide for a level playing field between candidates. The law does not ensure that all candidates have equitable access to funding and provides insufficient disclosure requirements limiting the possibility of public scrutiny.	To enhance transparency and level playing field, it is recommended that campaign finance rules are revised in line with international standards and best practices. Caps on contributions and spending could be reduced. Public disclosure and could be implemented throughout the campaign, to promote transparency and timely action.	Election Law	Electoral Tribunal National Assembly	<p>Level playing field and transparency</p> <p>ICCPR, Gen. Comment 25, para. 1: "Reasonable limitations on campaign expenditure may be justified..."</p> <p>UNCAC Art.7.3 "Each State Party shall also consider taking appropriate measures...to enhance transparency in the funding of candidatures for elected public office..."</p>
SOCIAL MEDIA						
9	20	Because of the lack of fact-checking organisations, the TE established its own monitoring and fact-checking unit. Its work has raised suspicions on social media, where people question the tribunal's dual role as judge and party in verifying information about itself.	Encourage and support the establishment of independent, non-governmental and non-partisan fact-checking organisations.	No legal change required	<p>Media</p> <p>Civil society organisations</p> <p>Social Media platforms</p> <p>Electoral Tribunal</p> <p>Access to information ICCPR, Art. 19. 2. "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."</p>	

PARTICIPATION OF WOMEN						
10	22	<p>The law promotes gender equality by requiring political parties to nominate equal numbers of men and women for various positions, including deputies, mayors, representatives, council members, and internal party structures. However, a provision in the law allows political parties to supplement women candidates with male candidates if there are no female candidates, which is seen as a loophole that makes it optional to comply with gender parity.</p>	<p>Revise the escape valve clause in the lists that allows parties to avoid complying with the parity requirement, ensuring equal opportunities for women candidates.</p>	Election Law	National Assembly	<p>Women’s participation in public affairs Right to effective remedy ICCPR, article 2(3)(a). “To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed. CEDAW article 2(c): States parties to establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public</p>
POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES						

11	24	Despite TE's efforts to improve the situation of people with special needs, several polling centres remained inaccessible. Some centres lacked the necessary facilities to accommodate persons with disabilities or mobility issues. As a result, elderly individuals, persons with reduced mobility, or those in wheelchairs had to be physically carried to the upper floors of the precincts so that they could exercise their right to vote.	Ensure genuine opportunity to vote for persons with disabilities through a conducive voting environment, enabling independent access and respect for the secrecy of the vote.	No legislative change is required. Adopt TE Regulation/Decree	Electoral Tribunal	The right and opportunity to vote CPRD, article 29 , “States Parties shall [...] undertake to: a) Ensure that persons with disabilities can effectively and fully participate in political and public life [...] by: i. Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.”
ELECTORAL DISPUTES						
12	29	Petitions challenging the results can be filed from the proclamation of results made by <i>juntas de escrutinio</i> up to three days after its publication in the Electoral Tribunal's Bulletin. Still, there is no legal deadline for the TE to publish the results. Once the petition reaches the electoral administrative courts, there is no legal time limit for setting the hearing date. Once the electoral administrative judge has issued the decision, an appeal may be filed within three days following the notification. The appeal is made before the Plenary of the TE; however, in this case, although it is considered a summary matter, the law does not establish the time the TE has to decide.	Establish clear deadlines for filing and resolving election challenges.	Election Law	National Assembly	Right to remedy ICCPR, article 2(3)(a) . “To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” Right to a fair trial ICCPR, article 14 . “In determining any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”.

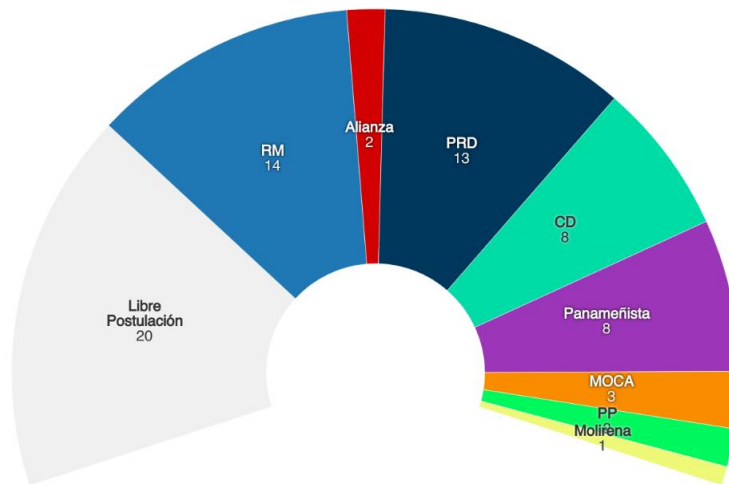
13	30	<p>The Electoral Attorney General's Office does not participate in the general budget for elections and has a limited budget. It also lacks the specialised staff to carry out investigations. In addition, staff contracts mostly end a few months after the electoral process, when the number of cases to be investigated increases and the staff is most needed. The Electoral Prosecutor's Office also lacks the necessary equipment to carry out forensic investigations properly.</p>	<p>As a key actor in the electoral process, consider providing the Electoral Prosecutor's Office with adequate budgetary and personnel resources to carry out its constitutionally and legally mandated functions.</p>	Election Law	National Assembly	<p>The right to effective remedy ICCPR, article 2(3)(a). “To ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.”</p> <p>The right to a fair trial ICCPR, article 14. “In determining any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law”</p> <p>Resolution adopted by the Human Rights Council*19/36 Human rights, democracy and the rule of law 16. <i>Calls upon</i> States to make continuous efforts to strengthen the rule of law and promote democracy by: <i>(d)</i> Taking active and consistent measures aimed at increasing awareness among the population of their human rights and of their possibilities of resorting to remedies, as established by law and international human rights instruments and mechanisms, when their rights are infringed.</p>
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XX. ANNEXES

ANNEX 1

Distribution of National Assembly seats by party in the 2019 and 2024 elections

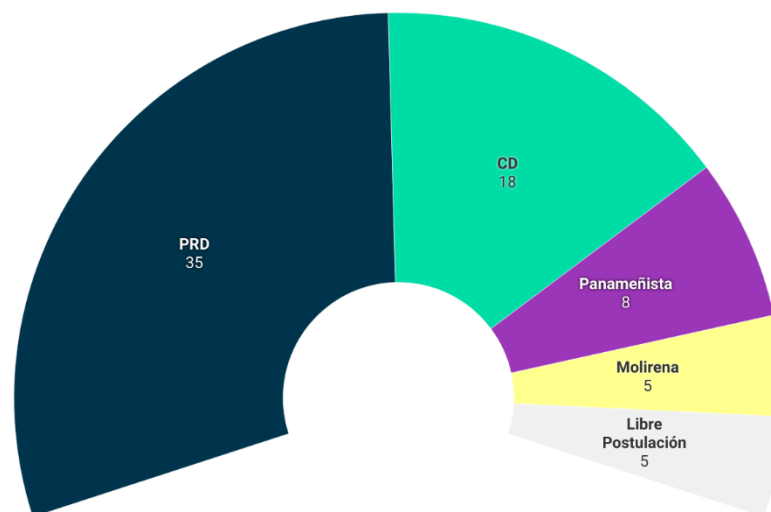
Asamblea Nacional 2024



Created with Datawrapper

Figure 1. Traditional parties lost their majority to self-nominated candidates (Libre postulación) and a newly created party, Realizando Metas (RM).

Asamblea Nacional 2019



Created with Datawrapper

Figure 2. Only five parties, the traditional ones, won seats in the 2019 National Assembly. Self-nominated candidates (Libre postulación) only won 5 seats. 36 seats are needed for a majority.

ANNEX 2

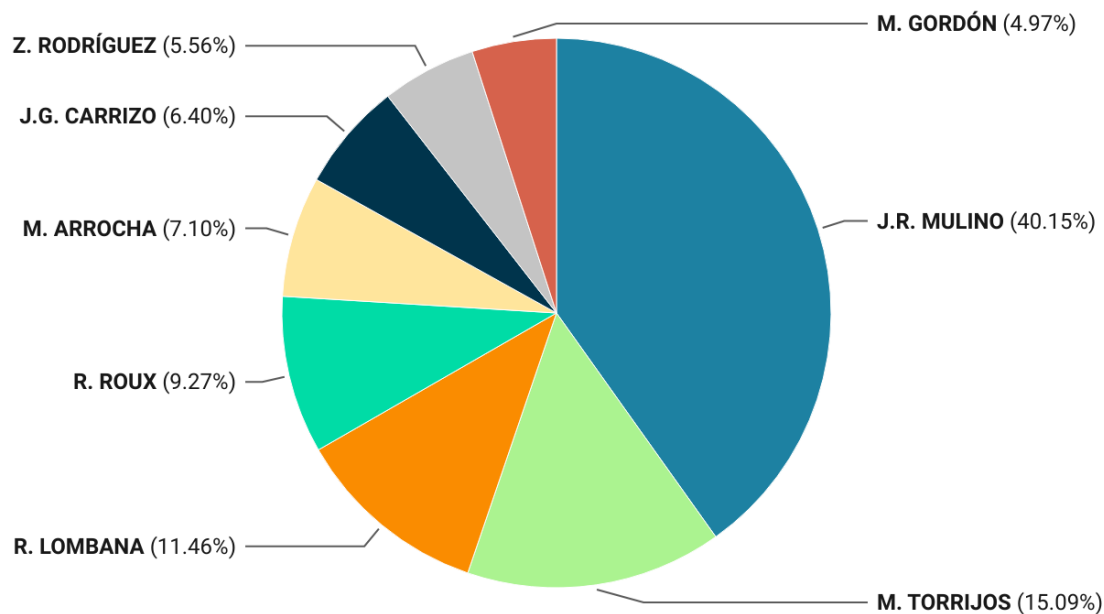
Media monitoring

EU EEM media monitoring is carried out with limited staff and resources in a short timeframe. This work is only intended to provide an approximation of media coverage during the election process and should not be seen as a comprehensive study in the same way as traditional EU EOMs.

The EU EEM had a team of three local assistants who monitored 10 print, TV and radio media every day during the three weeks preceding the E-Day: from 15 April to 4 May 2024. The media monitored were the print and online editions of the newspapers *La Prensa*, *La Estrella de Panamá* and *Crítica*; the online media *metrolibre.com*; the morning news programmes of *Telemetro* and *TVN*; and the morning news programme of radio *Panamá en directo*.

The space allocated to each candidate and party was measured according to the medium in which it was published: square centimetres in the case of the written press, number of characters in the case of the digital press and seconds in the case of radio and television programmes. Each measure was then weighted to show the aggregate result for all media.

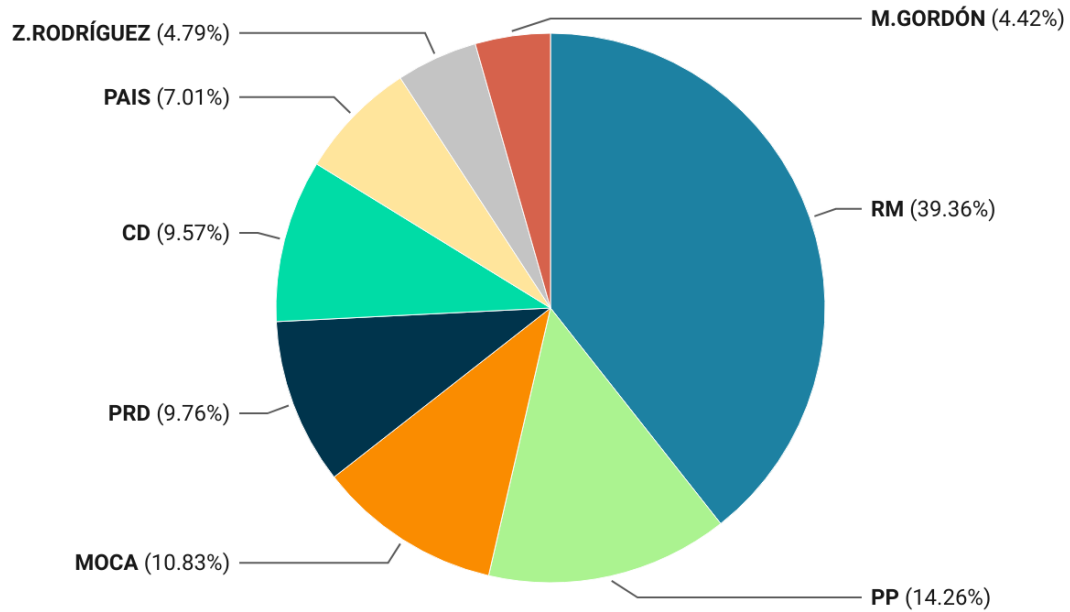
Content Allocated by Presidential Candidate



Created with Datawrapper

Figure 3. Campaign coverage on monitored media from 15 April to 4 May 2024.

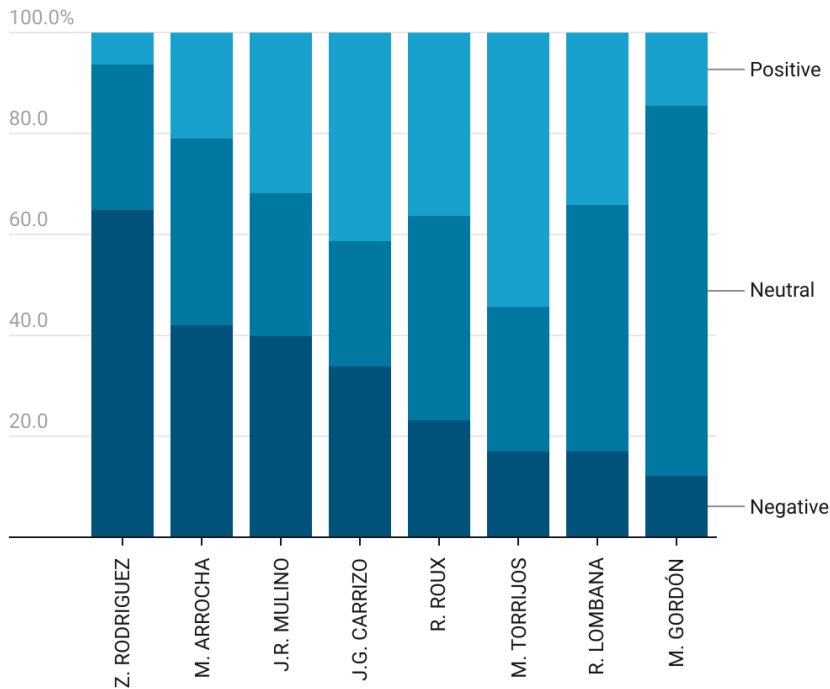
Content Allocated by Party or Self-Nominated Candidate



Created with Datawrapper

Figure 4. Campaign coverage on monitored media from 15 April to 4 May 2024.

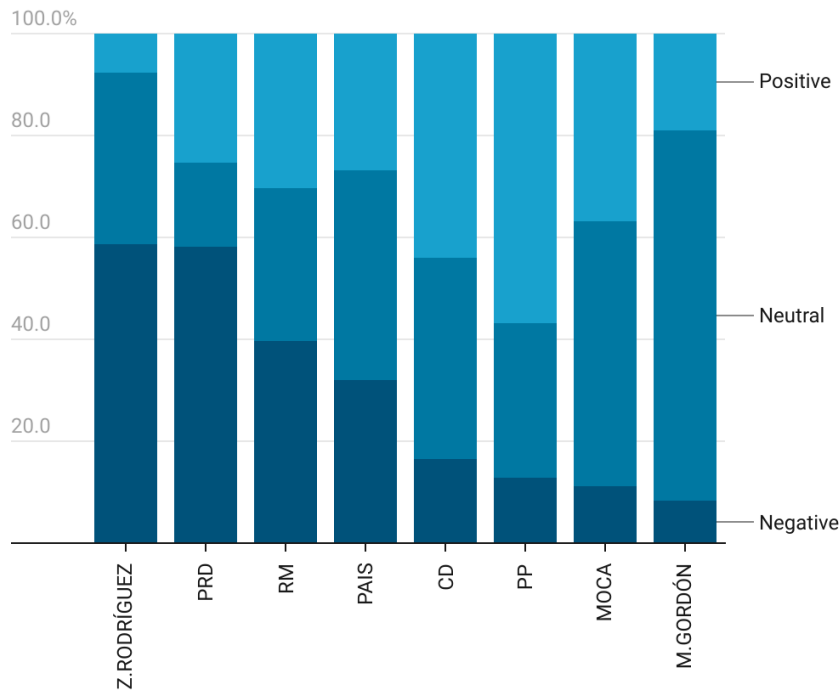
Tone of Coverage by Presidential Candidate



Created with Datawrapper

Figure 5. Campaign coverage on monitored media from 15 April to 4 May 2024

Tone of Coverage by Party or Self-Nominated Candidate



Created with Datawrapper

Figure 6. Campaign coverage on monitored media from 15 April to 4 May 2024.

ANNEX 3

Social Media monitoring

The EU EEM Panama 2024 applied different and complementary approaches and techniques to analyse online platforms and to gather information on online election-related content. ⁴⁴These methods include quantitative and qualitative data analysis, legal analysis, and meetings with relevant stakeholders.

The EU EEM analysed an indicative set of accounts, profiles, groups, pages and topics with a nationwide relevance, to capture key campaign trends on the monitored platforms such as Facebook, Instagram and X/Twitter.

The sample was selected considering:

- The relevance (metrics of interactions on Facebook and Instagram, reach on X/Twitter; number of followers, interaction rate per post, etc.) and the potential influence of the page/group on the political agenda and discourse (based on qualitative assessment)
- The content of the page (are topics covering social, political, and electoral issues).
- Political affiliation of the account, page, or group.

This sample included posts and interactions from:

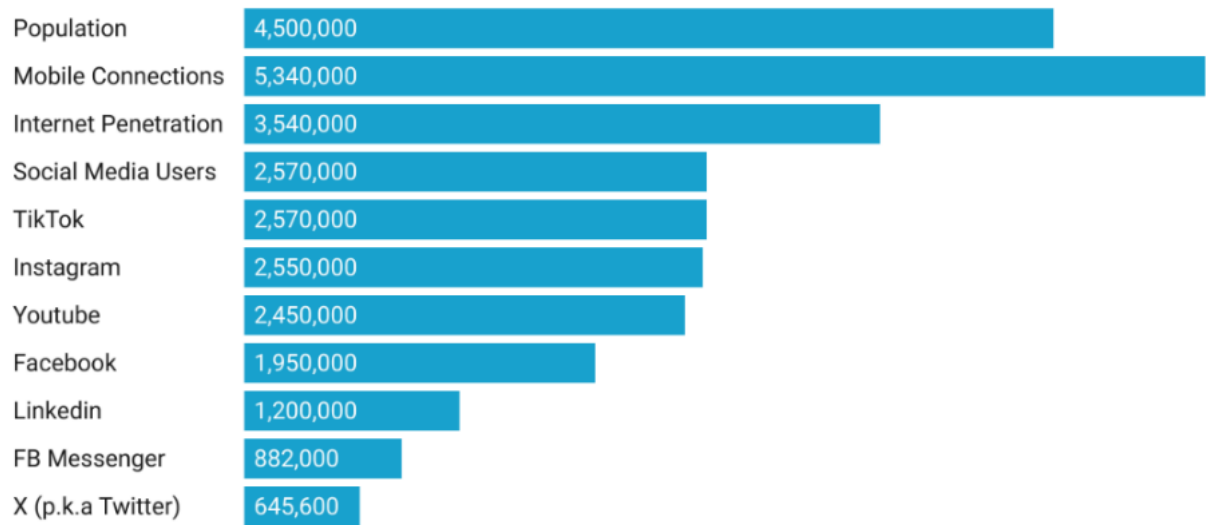
- The 8 presidential candidates and 7 vice-presidential candidates.
- 6 authorities and electoral management bodies.
- 20 influential people who are not involved in the campaign but have a big impact on it.

Profiles on Instagram, Facebook and Twitter, where available, were monitored daily by three local monitors to analyse the presence of misinformation, defamatory language and hate speech. The Crowdtangle tool was used to locate, download and analyse the most viralised posts around candidates and parties. This content was obtained through API access provided by Meta.

⁴⁴ Messaging networks, such as WhatsApp, Telegram, Viber or Messenger are not included in the scope of the EU EOMs/EEMs methodology due to data protection and privacy matters. However, missions may include relevant information coming from national and international credible organisations that specialise in monitoring online platforms and networks.

Social Media Landscape, Panamá, 2023

Total population, internet users and social media users in February 2024.



Source: Digital 2024: Panama • Created with Datawrapper

Figure 7.

Social Media Users Gender (%)

Distribution of gender of social media users in Panamá, February 2024.



	Female	Male
Instagram	54	46
TikTok	53	47
Youtube	49	51
Facebook	48	52
LinkedIn	46	54
X (p.k.a Twitter)	36	65

Source: Digital 2024: Panama • Created with Datawrapper

Figure 8.















Page Name	Total Interactions	Interaction Rate	Avg. Posts Per Day	Views on Owned Videos	Page Followers	Growth % and #
Average Total	26,329.93	1.086%	1.71	476,700.79	24,588.07	+188.22%
 Martín Torrijos ✓	118,594	1.239%	2.39	200,303	45,561	+10.02% +4,149
 Rómulo Roux ✓	110,362	0.22%	5.2	5.77M	105,541	+1.95% +2,016
 Ricardo Lombana ✓	57,736	0.179%	8.43	127,725	41,894	+3.28% +1,330
 Zulay Rodríguez Lu ✓	32,225	0.064%	1.78	373,155	305,531	—
 José Raúl Mulino ✓	18,778	2.34%	0.57	—	16,471	+14.49% +2,084
 José Blandón ✓	14,358	0.139%	2.05	41,635	54,097	+1.11% +596
 José Gabriel Carrizo ✓	8,085	0.534%	0.76	21,549	22,357	+7.98% +1,653
 Melitón Arrocha	3,234	0.141%	1.45	1,768	32,685	+2,487.89% +31,422
 Rosario Turner Montenegro	3,112	6.693%	1.32	142,099	512	+117.87% +277
 Ricardo Martinelli RM	2,135	3.656%	0.04	—	14,605	+0.38% +56
 Athenas Athanasiadis	—	—	—	—	7,436	-0.07% -5
 Gordon Maribel	—	—	—	—	791	+4.63% +35
 Michael Chen	—	—	—	—	210	+0.96% +2
 Dr. Camilo Alleyne	—	—	—	—	2,073	-0.19% -4

Figure 9. Total interactions of the presidential and vice-presidential candidates on Facebook during the three months preceding E-Day. Martinelli is included to assess his impact on social media campaigns.
















Account Name	Total Interactions	Interaction Rate	Avg. Posts Per Day	Video Views	Account Followers	Growth % and #
Average Total	446,066.13	3.073%	1.68	121,593.87	152,913.60	+0.18%
 ricardomartinelli99 ✓	2.30M	1.336%	2.64	1.04M	738,216	+8.53% +58,008
 ricardolombanag	1.68M	3.955%	2.58	228,900	207,525	+36.59% +55,591
 martintorrijos ✓	705,030	2.981%	2.59	54,246	116,224	+40.90% +33,737
 romuloroux ✓	406,084	0.992%	3	4,486	156,969	+12.54% +17,495
 gabycarrizoj ✓	395,588	0.769%	3.65	0	157,419	+5.78% +8,608
 joseraulmulino	376,584	14.885%	0.71	126,052	70,193	+818.52% +62,551
 zulayrodriguezlu ✓	339,451	0.419%	1.45	334,402	615,977	+2.12% +12,799
 rosarioetm	150,816	3.08%	1.16	35,609	49,200	+16.30% +6,896
 chenmapty ✓	131,004	4.427%	0.71	4,152	53,089	+39.91% +15,145
 blandonjose	94,633	1.036%	1.71	0	60,928	+10.09% +5,585
 maribelgordonc_	41,175	1.888%	2.11	945	13,639	+54.74% +4,825
 melitonarrocha	32,918	2.047%	1	0	26,585	+220.76% +18,297
 richardmoralesv	18,424	4.176%	0.83	0	6,224	+15.99% +858
 camilo_alleyne	8,171	1.877%	0.92	0	5,114	—
 athathanasiadis	3,980	2.231%	0.12	0	16,402	+2.72% +435

Figure 10. Total interactions of the presidential and vice-presidential candidates on Instagram during the three months preceding E-Day. Martinelli is included to assess his impact on social media campaigns