



Preliminary Report of the OAS Electoral Observation Mission in Panama

May 7, 2024

The Electoral Observation Mission of the Organization of American States (OAS/EOM), headed by Susana Malcorra, the former Minister of Foreign Affairs of Argentina and former Chief of Staff of the Secretary General of the United Nations, congratulates the people of Ecuador for the holding of the presidential and parliamentary elections last Sunday, May 5. The Mission congratulates Panamanians for their civic commitment, which was reflected in an election day with massive turnout. It also emphasizes that the voting was carried out calmly and that on the night of the election the Panamanian people had access to the results in a timely manner.

The Mission recognizes the work of the Electoral Tribunal (TE), which guaranteed the citizens a well-organized voting day, within the framework of an atypical electoral contest, characterized until the last moment by uncertainty surrounding the candidacy of the person who ended up being elected to the Presidency of the Republic. It also highlights the work of the members of the polling stations and other electoral bodies, who contributed to the successful holding of these elections.

The OAS/EOM comprised 70 observers¹ of 19 different nationalities, who monitored the elections in all Panama's provinces and two of its regions (*comarcas*). The Mission examined various aspects of the elections, including electoral organization, electoral technology, campaign finance, electoral justice, the political participation of women, the political participation of indigenous and afrodescendant peoples and campaigns, the media, and digital communications. The Mission's specialists also followed up on the recommendations issued by previous OAS Missions.

After a preliminary technical visit to the country between March 19 and 22, 2024, the Mission arrived in Panama on a staggered basis starting on April 24, 2024. During its work, it met with the President of the Republic, the magistrates of the Electoral Tribunal, presidential and other candidates,² representatives of civil society organizations, and the international community to learn about the preparations and their perspectives on the elections. Based on the meetings held, a review of regulations and other documents, and direct observation, the Mission was able to carry out a comprehensive analysis of the electoral process.

¹30 men and 40 women.

² José Raúl Mulino, from Realizando Metas y Alianza; Martín Torrijos, from Partido Popular; Ricardo Lombana, from Movimiento Otro Camino; Maribel Gordón, an independent candidate; with the current Vice President and candidate for Partido Revolucionario Democrático and Molirena, José Gabriel Carrizo; and with Zulay Rodríguez's independent candidate for vice president, Athenas Athanasiadis.



PRE-ELECTORAL PHASE

Electoral reforms

For these General Elections, substantive changes were made to the Panamanian Electoral Code. By means of Laws 247 of 2021, and 356 and 407 of 2023, changes were approved to the regulations regarding public and private financing, political participation of women, structure of the electoral justice system, the electoral calendar, and regulation of campaigns in digital media, as well as other dimensions of the process. The changes introduced, many of which address recommendations issued by previous OAS Missions, are discussed in detail later in this report.

Nonetheless, the efforts of the Panamanian authorities to continuously improve the electoral legislation are noteworthy. The Mission stresses once again the importance of the National Commission on Electoral Reforms (CNRE),³ a body in charge of reviewing the electoral regulations after each process and proposing the adjustments deemed necessary for the next elections.

It should be noted, however, that in the last two reform processes, the proposals for changes in legislation that emerged from the CNRE underwent significant alterations once they reached the National Assembly. The Mission calls on the elected deputies to promote the changes agreed upon in the CNRE, in which not only the TE, but also the political parties themselves are represented, during the next cycle of reforms.

On the other hand, the OAS/EOM observed that, in the exercise of its constitutional and legal powers, the TE issued numerous decrees throughout the campaign.⁴ In an interview with the Mission, a number of stakeholders stated that the successive changes to the regulations made it harder for people to be familiar with the rules to be followed.

Advance voting

In the weeks leading up to the elections, the Mission monitored the voting of Panamanians registered in the Registry of Voters Resident Abroad (RERE) and in the Registry of Voters for Advance Voting (REVA).⁵

³ As required by its statutes, the CNRE was composed of representatives of the executive and legislative authorities, the Electoral Attorney General's Office and the Ombudsman's Office, in addition to political parties and civil society organizations, women, youth, indigenous people, persons with disabilities, and journalists, as well as other potential actors (Decree 42 of 2019).

⁴ According to the information received, the General Regulations issued on May 30, 2022 were amended 37 times.

⁵ According to Article 12 of the Electoral Code of Panama, the following persons may vote in advance, via the Internet, although only for the presidential nomination: citizens residing abroad, persons who planned to be abroad on Election Day, as well as members of the Security Forces, the Public Prosecutors' Office, the Judiciary, the Fire Department of the Republic of Panama, the National Civil Protection System, the Panamanian Red Cross, medical and nursing personnel, as well as press photographers, television cameramen, and journalists, electoral delegates, and members of the Electoral Tribunal and the Electoral Attorney General's Office.



The 4,458 people on these lists (3,788 RERE and 670 REVA) were able to vote online between April 23 and May 2, for the presidential election only.

It should be noted that on Tuesday, April 23, 2024, a few hours after this process had begun, the TE issued a statement reporting that an error had been detected in the online advance voting platform, due to the fact that the order of the candidacies on the digital ballot was different from the one that had been established for the physical ballot. On the same April 23, the TE issued a second communiqué stating that it had been able to verify that, apart from the alteration of the order of the candidacies, the system worked correctly and assigned the votes in accordance with the choices made by citizens.⁶ It also indicated that, after consulting with the National Council of Political Parties and the technical staff, it had decided to continue with the voting and that the votes already cast remained valid. In addition, on April 24, the Technological University of Panama issued a report stating that the software used for the Internet voting had not been altered and coincided with the certified version. On this occasion, the OAS/EOM took note of the inconvenience; emphasized that, despite the problems, the people registered in this way continued to exercise their right to vote; and called for clear and precise institutional communication from the authorities.⁷

The Mission also noted that the TE had initially planned to implement, in a limited manner, an electronic voting system in 20 polling stations, all located in the ATLAPA Convention Center, used by approximately 10,000 voters. However, on Friday, April 26, the electoral authority communicated that it had taken the decision to suspend electronic voting for these elections, due to the concerns expressed by political parties regarding this form of voting.

As detailed later in this report, the Mission's technicians found that both the incident related to Internet voting and the decision to suspend electronic voting less than 15 days before the elections were due to the lack of adequate planning. This, coupled with a deficient communication policy on the part of the TE at different stages of the process, had a negative impact on public confidence in the electoral authority, according to most of the stakeholders with whom the OAS/EOM met.⁸ The Mission emphasizes that the Electoral Tribunal of Panama has been able to build over the years a well-deserved reputation of being a solid, technically competent, efficient, and impartial entity and, therefore, hopes that in future processes these kinds of management errors that may have a cost for the image of the institution will not be repeated.

Election campaign

In general terms, the campaign for these elections was conducted in a peaceful, but politically tense, atmosphere. The run-up to the elections was marked by great uncertainty regarding the presidential candidacy of the coalition formed by the Realizando Metas and Alianza parties. On March 4, 2024, the TE

⁶ See: [Electoral Tribunal on X: "ATTENTION: We share a press release. #TribunalContigo https://t.co/09Y3yjbHS5" / X \(twitter.com\)](https://t.co/09Y3yjbHS5)

⁷ See: [OAS Electoral Mission in Panama begins its deployment for the general elections \(oas.org\)](https://www.oas.org/en/press/20240423)

⁸ It is noted that, despite the errors, online voting continued, and high levels of participation were achieved.



issued a decree⁹ disqualifying the presidential candidate, former President Ricardo Martinelli, after the criminal justice system confirmed a conviction against him for a felony with a prison sentence of more than five years.¹⁰ At the same time, the TE resolved to replace the nomination of the former President with that of the then candidate for Vice President of the alliance, José Raúl Mulino.

This decision was challenged by a private attorney, who filed an appeal of unconstitutionality against point two of the TE agreement, alleging, among other issues, that Mulino's presidential candidacy had not arisen from a primary process as required by law and that the decision of the electoral authority left the ticket without a candidate for Vice President, creating a vacuum that in her opinion was incompatible with the current rules.

Thereafter, a period of great tension began, in which, in spite of the imminence of the elections, citizens were uncertain whether the alliance and its candidate would finally be allowed to participate in the presidential election. Finally, on Friday, May 3, two days before the vote, the Supreme Court of Justice determined that the TE agreement was not unconstitutional and that, therefore, Mulino's candidacy was maintained.

Although the Mission understands that this was an unheard-of and unprecedented case, and that the constitutional justice timeframes are not always compatible with those of an electoral process, it notes once again that the campaign continued until the last day without any clarity as to who the candidates would finally be. The Mission reiterates that this situation generated a high level of uncertainty and tension. With a view to future elections, the OAS/EOM hopes that the regulatory framework and procedures for the substitution of candidates will be adapted to avoid a repetition of this complex scenario. Likewise, the Mission emphasizes that it is important that the Constitutional Justice authority itself, when it must resolve matters directly related to an electoral process, adjust its actions to the timeframe and complexity of the process, and that it take into consideration the context and political impact of its decisions.

Also regarding presidential candidacies, it was noted that, six days before the election, on April 29, 2024, during a campaign closing event, the independent (*de libre postulación*) candidate for the Partido Alternativa Independiente Social (PAIS), Melitón Arrocha, announced his support for another presidential ticket. The Mission found that, despite the public statement, Arrocha did not formally withdraw his candidacy and neither did his Vice-Presidential candidate. Thus, the presidential ticket remained in place as an option for voters, and consequently, its PARLACEN lists remained eligible, both by PAIS and independent.

⁹Decree 32 of April 26, 2024.

¹⁰ The decision of the TE was made based on Article 180 of the Political Constitution of the Republic of Panama, which expressly provides that: "No person may be elected President or Vice President of the Republic who has been convicted of a felony punishable by deprivation of liberty for five years or more, by an enforceable sentence handed down by a court of law."



In this regard, the OAS/EOM emphasizes that this unexpected and unusual conduct generated confusion among the electorate and within the ranks of the party that supported the candidate.¹¹ It should also be noted that the independent candidacies for the Presidency receive not only the trust of those voting for them, but also pre-electoral public financing, i.e., taxpayers' resources that must be used responsibly.

The Mission noted positively that, even in a tense and polarized atmosphere, which was evident in the discourse of the candidates, on social networks, and in media coverage, the electoral authority managed to create opportunities for discussion of proposals. It is noteworthy that the Electoral Tribunal, together with other civil society and private sector entities, organized three presidential debates, one more than in the 2019 electoral process. These opportunities allowed the candidates who chose to participate to exchange ideas and transmit their proposals to Panamanians. It is also worth noting that the TE organized more than 100 regional debates, in which candidates for deputies, mayors, and township representatives participated.

ELECTION DAY

On Election Day, the Mission visited 662 polling stations in 314 polling centers located throughout the national territory, from their installation to the transmission of the results of the General Elections. According to data collected by OAS observers, the polling stations opened on average at 07:07 a.m. According to information shared by the TE with the Mission, at 09:00 a.m. 97.69% of the stations were open and operational.

The OAS/EOM observed that the elections were conducted peacefully throughout the country. During the day, the Mission was able to observe long lines in several centers in the morning hours, and some in the afternoon. The Mission acknowledges the calm, patience, and civic commitment with which people waited to exercise their right to vote and highlights the fact that participation in these General Elections amounted on average to 78%, according to the data provided by the Electoral Tribunal's Extra-official Transmission of Results (TER) system.

According to data collected by OAS observers, 94% of the polling stations were run by their appointed officials. It was also found that 80% of the stations were made up of women and that 64% of the

¹¹ See PAIS Party Press Release, May 1, 2024. Available at: [PAIS | #PressRelease of the PAIS Party, on behalf of its Management Board \(Junta Directiva\), signed by the President of the Party, José Alberto Álvarez... | Instagram](#)



chairpersons were women. The Mission welcomes the high participation of Panamanian women in these elections and highlights their commitment to the country's democracy.

Likewise, throughout the day, the OAS/EOM observed a high presence of representatives of both independent and political party candidates. It should be noted that most of them were well organized and had a variety of materials to help them perform their duties, such as copies of the electoral roll and control sheets. It is worth noting that this type of partisan oversight is a positive practice that helps safeguard the process.

In addition, observers reported that the electoral delegates, promoters, and informants facilitated the voting process in an organized manner. It was also noted that the polling centers were guarded by security forces, the fire department, the Red Cross, and other civil guard personnel. Likewise, during their visits to the polling centers, the observers reported the presence of members of national observation missions.

The OAS/EOM observed that, in general, the precincts were adequate for citizens to exercise their vote. However, it also found that some centers lacked access and mobility facilities for people with disabilities. In polling centers observed by OAS members, elderly people, people with reduced mobility, or in wheelchairs had to be carried to the upper floors of the precincts so that they could exercise their right to vote. This despite the fact that, prior to the elections, the TE had opened a registry so that people with disabilities could register and be assured of an accessible voting table.

Throughout the election day there were some minor incidents that were resolved in a timely manner by the electoral authority, guaranteeing the normal course of the elections. In total, the observers received 11 complaints about operational issues in connection with the election, such as: long lines, limited accessibility to the voting centers, slowness in the voting process in some areas, and proselytizing. According to information provided to the Mission by the Electoral Attorney General Office (FGE), this institution received a total of 131 complaints of alleged irregularities during voting.

The OAS/EOM noted that only 30 minutes after the polling centers closed, the first unofficial results were presented through the TER system, which helped keep citizens informed during the night hours and ensured the transparency of the process. At 9:50 p.m., with more than 90% of the tally sheets transmitted, the Electoral Tribunal communicated via video call with candidate José Raúl Mulino to inform him that he was the virtual President-elect. Moments earlier, the other candidates who participated in the race acknowledged the results and congratulated the winning candidate. The Mission welcomes the democratic spirit demonstrated by Panama's political forces and the call for national unity made by President-elect Mulino.

The Mission also congratulates the President-elect, the new local authorities, and the new deputies of the National Assembly of Panama and PARLACEN on their victory in the general elections, and wishes them success in their work. Pending the completion of the vote count and the presentation of official results,



the Mission reports that the data collected by its work team coincide with those presented through the TER system.

FINDINGS AND RECOMMENDATIONS

This was the twelfth (12th) Electoral Observation Mission that the Organization of American States has deployed in Panama. Over the years, the OAS has maintained its commitment to the continuous improvement of the Panamanian political-electoral system. With this objective in mind, the OAS/EOM presents below its preliminary findings and recommendations regarding specific aspects of the process it observed. This report will be supplemented by the Final Report to the OAS Permanent Council.

I. Organizational aspects of the elections

Voter Registration and Electoral Roll

The basis of the electoral roll in Panama is the Electoral Registry, a permanent list in which Panamanians legally entitled to vote are registered. This registry is updated mainly on the basis of information obtained when citizens apply for their identity cards and is purged by excluding deceased citizens, citizens who have lost their nationality, or nationals whose citizenship or citizenship rights have been suspended.¹² The Electoral Registry is also updated when a voter communicates a change of residence. In accordance with the Electoral Code, this procedure is carried out under affidavit,¹³ but no documentary support (salary receipt, proof of payment of services, etc.) is required to validate the new residence.

As indicated, the Electoral Roll is generated from the Electoral Registry, which was preliminarily closed on January 5, 2023 for the General Elections of 2024, in order to be updated and improved through challenges and other mechanisms.¹⁴ Once this phase was concluded,¹⁵ the Electoral Tribunal published the Final Electoral Roll on January 29, 2024 and made available to citizens the VERIFICATE2024 application,¹⁶ where registration data and polling places could be consulted. According to published information, the number of voters on the roll increased by 9% compared to 2019.¹⁷

The Mission learned that, on April 29, the National Directorate of Electoral Organization informed the Plenary of the Electoral Tribunal that it had detected 99 persons who had been removed from the Final

¹² The purging process also includes the removal of repeated entries.

¹³ Articles 14 and 15 of the Electoral Code.

¹⁴ At the end of the period, the Electoral Roll Commission reported having received and processed 95 citizen complaints, which resulted in 46 modified procedures; 20 resolutions of the Electoral Administrative Courts, as a result of challenges to the Preliminary Roll, which resulted in the correction of names of townships (*reversión de corregimientos*) for 845 citizens; in addition to rulings of the Electoral Criminal Courts for fraudulent change of residence, which relocated 63 citizens.

¹⁵ See: [Final Electoral Roll Cleansing - Electoral Tribunal \(tribunal-electoral.gob.pa\)](https://tribunal-electoral.gob.pa)

¹⁶ <https://verificate.te.gob.pa/>

¹⁷ <https://www.tribunal-electoral.gob.pa/wp-content/uploads/2019/02/3-ESTADI%CC%81STICAS-DE-ELECTORES-POR-PROVINCIA-DISTRITO-Y-CORREGIMIENTO.pdf>



Roll by mistake. According to the information received, in all cases they were guardians of persons excluded, who were wrongly removed when the persons they were taking care of were excluded. In view of this situation, the Plenary decided to publish an additional list for each of the polling stations where the affected persons were to vote, in order to guarantee their right to vote.¹⁸

Finally, it should be noted that various stakeholders with whom the Mission met stated that, in their opinion, the mechanisms used to refine the voter registry are not sufficient and that a revision of the Voter Registry is required. According to them, there are discrepancies with the figures provided by the 2023 Population Census.¹⁹ The OAS/EOM was informed that the Electoral Attorney General's Office conducted on-site inspections to verify electoral residences in certain circuits²⁰ and that, as of March 31 of this year, it was investigating 2,195 people for the crime of fraudulent change of residence, that is, for having intentionally registered in a township other than the one where they lived.

To guarantee the effectiveness of the registry and the exercise of citizens' rights, the Mission makes the following recommendations:

- Establish requirements to prove electoral residence in the procedures before the TE, such as the presentation of: tax and/or service payment receipts, bank statements, a recent lease contract, certified copy of deeds, among others.
- Review the methods and procedures for registration, changes of residence, and enhancing the accuracy of the Electoral Registry and Roll.

Overseas voting

The vote of Panamanian citizens abroad, as well as of those who planned to be abroad on May 5, was guaranteed through advance online voting, for the presidential election only. Thus, from March 6 to December 15, 2023, those interested in voting could register in the Registry of Voters Residing Abroad (RERE), in order to be able to vote between April 23 and May 2, 2024.

Unlike previous election processes, in which there was a permanent registry, this time the RERE was of a provisional nature. On this occasion, 3,788 Panamanians registered to vote from abroad, a decrease compared to 2019, when 7,725 people were included in the RERE. However, it is important to highlight that the participation rate increased notably between the processes: while in 2019 only 17.8% of Panamanians registered abroad cast their vote, in this election 95% participated, with about three times

¹⁸Plenary Resolution 23-1 of April 30, 2024 recognizing the right of certain electors to vote in the General Election of May 5, 2024 and Annex.

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

²⁰<https://www.laestrella.com.pa/panama/nacional/fiscalia-electoral-evidencia-alteracion-padron-PELE498698>

more citizens voting. This was achieved despite the problems encountered with the digital ballot, as detailed below in the Electoral Technology section.

The Mission welcomes the efforts made to ensure that citizens abroad were able to exercise their vote and that the participation rate has increased. In order to continue expanding the scope of the overseas voting program, the Mission makes the following recommendations:

- Strengthen and focus communication campaigns in such a way as to encourage the Panamanian community abroad to exercise their political rights.
- Establish opportunities for cooperation between the TE, the Ministry of Foreign Affairs, and organizations of Panamanian living abroad, with a view to generating synergies that allow an increase in the number of citizens in the RERE.

Collection of signatures of support for independent (de libre postulación) candidacies

Panamanian legislation allows the registration of independent candidacies for citizens who wish to participate in the election outside party organizations. Article 365 of the Electoral Code establishes that "the members of the three slates that have obtained the most signatures of support, provided that they exceed 2% of the valid votes cast in the last election for the position and constituency in question, shall be nominated as candidates."²¹

The Mission observed significant improvements in the way signatures were collected and validated compared to the last election. In 2019, physical books were used for this process, in which ID card numbers, names, and signatures were recorded, without the need to submit copies of the identity documents of the adherents or any other supporting documentation. In addition, no technological tools were available to verify the signatures.

For this election, on the contrary, the electoral authority offered different methods for the registration of endorsements of the candidacies. This could be done in person at the offices of the TE or through the User Service Centers (CAU), by means of a video call in which the citizen's identity was verified. In addition, it was possible to register support for a pre-candidate at the TE self-service kiosks, by means of devices that performed a biometric validation of the user's identity. The electoral authority also developed a mobile app, which activists of the different pre-candidates used to recruit supporters, and which not only had biometric controls by means of photos, but also required the citizen interested in registering his/her support to record a video expressing his/her willingness to accompany a specific pre-candidate. Finally, in areas with poor connectivity, the use of physical books was allowed for the collection of signatures, but, unlike 2019, this had to be done in the presence of a Tribunal official. In summary, the TE made available

²¹ It should be noted that the minimum percentage of endorsements required was increased from 1% to 2%.



to those interested in registering independent candidacies five different methods to register endorsements, all of them with greater controls than the physical books used in 2019.

Even so, the Mission was informed of some incidents that occurred during the signature collection stage, particularly in relation to the use of the activists' mobile app. According to the actors interviewed by the OAS/EOM, initially, flaws were detected in the biometric validation of the identity of the adherents, an aspect that was corrected by the TE, which continued to adjust the application through the launching of different versions.

On the other hand, the electoral authority informed the Mission that it received complaints from citizens who did not know that they were supporting a candidacy through the app. In response to this situation, the TE proceeded to verify the 286,644 endorsements registered up to that moment, reviewing the videos captured by the app to ensure that people actually knew what they were providing their data for.²² As a result of the audit process, the TE proceeded to cancel 27,176 endorsements.²³ Despite the difficulties faced, the most used method to collect endorsements was the mobile application, with 55.5% of the 1,955,290 valid signatures, followed by kiosks and CAU (20.9% each), demonstrating the usefulness of this method. For these reasons, the Mission makes the following recommendations:

- Conduct functional tests of the technological applications to be used for the collection of signatures sufficiently in advance, in order to identify and correct possible failures in a timely manner.
- Regulate sufficiently in advance the review processes of the collected endorsements, the criteria for invalidating them, and the mechanisms that exist to question the annulment of a signature.
- Incorporate in the mobile application controls of the videos that must be recorded to guarantee that the filmed citizen is actually supporting a pre-candidacy.

II. Electoral technology

Online voting

Panama's Internet voting system was designed to allow voters residing abroad to vote in advance, and for those who, while residing in the country, were unable to vote in person because they had to perform a specific task during the elections.²⁴ As indicated, on Tuesday, April 23, 2024, a few hours after the system had been activated, the TE issued a communiqué announcing the suspension of this form of voting,

²² Decree 60 of 2022 established the special procedure for the review of the videos supporting the signatures, with each pre-candidacy or the person designated by them, based on the grounds for annulment established by Decree 29 of 2022.

²³ Plenary Agreement 18-2 of May 22, 2023, publishing in a Report to the Nation the results of the audit and annulment of signatures of support for the independent pre-candidates, obtained with the mobile application for cell phones, known as App, corresponding to the examination of 286,644 signatures collected between August 15, 2022 and October 24, 2022.

²⁴ For more details on who was allowed to participate in the advance vote, see footnote 5 of this report.



because the order of the candidates on the digital ballot was different from that established for the physical ballot.²⁵ However, the TE reversed that decision after verifying that, beyond the alteration of the order of the candidacies, the system was working correctly.

The OAS/EOM was informed that the defect in the online voting was due to errors in the development of the platform and fundamentally to the absence of an effective quality control process. It also noted the lack of a software development framework capable of revealing errors prior to production by conducting tests in advance. Specifically, the Mission was informed that, prior to the activation of the system, a script was executed to delete all the data from the Database before the start of voting, and that the tables necessary for casting the vote (including the electoral options) were uploaded. This script, however, was not tested or certificated. In other words, according to the information received, there were no tests that contemplated execution of the deletion script, followed by a verification of the order in the electoral options shown to the voter. This prevented the software defect from being detected in time.

Beyond the incident that occurred, as indicated above, online voting was not interrupted and voters were able to continue voting, as scheduled, until May 2. That night the system was closed and the votes cast were downloaded and stored in encrypted form on removable media, which, in the presence of observers and parties, were placed in ballot boxes for physical safekeeping until the day of the vote count. The Mission observed that this process was carried out without major inconveniences, although it was noted that there was no backup (or copy) of the physical keys that were necessary to open the ballot boxes in which the memory sticks were to be placed. In addition, it was found that there were no measures for the secure erasure of these devices or logical access controls.

Based on its observations, the Mission makes the following recommendations:

- Implement a software development framework capable of detecting errors in stages prior to system production. This requires defining a test environment capable of reproducing, analyzing, investigating, testing, and remedying any incident.
- Implement, in the presence of the parties, a procedure for the secure deletion of removable memory sticks where votes cast over the Internet are stored.
- Plan contingency measures for the opening of the ballot boxes where the memories with the votes are kept, in case the physical keys are lost.

Transmission of results

As in previous processes, at the end of Election Day, the Unofficial Transmission of Results system was used to send the vote count data from the polling stations to the Electoral Tribunal. In most of the centers,

²⁵ Specifically, the ballot accessed by RERE and REVA voters broke the numerical sequence of the boxes, jumping from 6 to 8, leaving box 7, corresponding to candidate Mulino, out of the sequence, creating confusion for the voter.



the information was transmitted through a cellphone application, while in the case of sites with connectivity problems, radios, or satellite telephones were used. The Mission found that, although the information sent to the Tribunal through the application was encrypted, there is room for further improvement of the security of the devices, particularly with regard to access controls.

The Mission observers reported that the transmission of results from the centers went smoothly. The data sent to the Electoral Tribunal were consolidated and then published on the entity's web page. The first results were released at 4:30 p.m. and by 9:30 p.m. 90% of the tables had been counted.

The Mission emphasizes that, in order to offer more guarantees to the parties and citizens, the officials in charge of transmitting the results from the centers were also required to take a photo of the TER report, the official report, and the public scrutiny sheet. It should be noted that, for the first time and following the recommendations of the OAS in 2019, the images of the official tally sheets were uploaded to a web platform the morning after the elections, so that citizens could freely consult them.

For future electoral processes, the Mission recommends the following:

- Continue to boost the security measures of the devices used for the transmission of results, especially with regard to access and authentication controls.

Technological security

Based on the information gathered in the field, the Mission found that there are measures that could be taken to further strengthen the security of the technological systems implemented within the framework of the electoral process. First, it was noted that there is no system in place to manage cybersecurity on an ongoing basis, regardless of election cycles, with adequate planning and constant work to respond to possible incidents. In addition, it was found that there are opportunities for improvement in terms of logical access controls and restrictions to the most important web applications, both those pertaining to the administrative network and those that are part of the electoral network. It was also noted that the authentication mechanisms for user access to the court's networks are not sufficiently robust.

The Mission also found that the TE lacks an updated threat model. On the other hand, although the management of the attack surface for the electoral network was reinforced, a specific strategy covering all the agency's networks and infrastructures was not developed. In addition, the TE did not have an Information Security Management System (ISMS) or a Business Continuity Management System (BCMS) (*Sistema de Gestión de la Continuidad de las Operaciones (SGCO)*).

As a result, the Mission makes the following recommendations:

- Develop threat modeling for different systems and technological environments.
- Update the cybersecurity risk matrix.



- Maintain the separation of electoral and administrative networks and infrastructure.
- Develop and implement an Information Security Management System.
- Develop a Business Continuity Management System.
- Establish and adequately protect the attack surface of all the Court's technological systems.
- Apply methodologies to reduce the Internet exposure surface of the TE systems.
- Implement multi-factor authentication systems for access to the TE network.
- When hiring external suppliers to cover the organization's needs, avoid overlapping tasks and ensure that they are coordinated.

III. Political and campaign finance

In Panama, the political financing model is mixed, that is, candidates and parties receive both private and public resources. Law 247 reformed the regulatory framework governing financing for these elections, introducing changes in the distribution of funds provided by the State, as well as in the regulation of private financing and accountability processes.

First, in line with the recommendations issued by the OAS/EOM in 2019, the percentage of pre-electoral public financing for independent candidates was increased from 3.5% to 7%, in order to create more equitable conditions for the contest.²⁶ At the same time, presidential candidacies were authorized to use private resources for the purchase of electoral propaganda up to a certain limit.²⁷

With regard to the public financing provided to the parties, the Mission observed that the regulatory framework does not establish any criteria on how these resources should be distributed within the political organizations, which, according to various actors interviewed, leads to most of the funds being used for presidential campaigns. It should be noted that in the case of independent candidacies, the law does reserve a minimum percentage of state contributions for those competing at the sub-national level.²⁸

²⁶Article 208 of the Electoral Code.

²⁷ Pursuant to Article 211 of the Electoral Code, for the office of President of the Republic, only pre-electoral public financing may be used for electoral propaganda expenses. However, with the exception provision established in article 246 of the Electoral Code, presidential candidacies may match privately financed electoral propaganda expenses with the amount that may be used by the political party that receives the most pre-electoral public financing, which is disqualified from engaging in additional privately financed propaganda.

²⁸ Pre-electoral financing for independent candidates shall be distributed as follows: two-thirds for the three presidential candidates and one-third for the candidates for the other offices (Article 208 of the Electoral Code).



With respect to private financing, the reform banned donations by religious congregations and persons convicted of certain crimes.²⁹ The Mission notes and appreciates the fact that, in addition, campaign contributions by state contractors were prohibited, in order to avoid potential conflicts of interest.³⁰

Regarding accountability and control processes, various independent candidates told the Mission that they had been subject to more rigorous auditing than party candidates. Nonetheless, the Mission emphasizes that, as a result of the reform, all candidates and parties were required to register a digital media administrator and report all advertising contracted on these platforms,³¹ which was checked by the Center for Digital Studies and Monitoring. Likewise, for the first time, presidential candidates were required to submit monthly reports on their income and expenses during the campaign.³² However, it is noted that, for all other levels of election, candidates are only required to report after the elections: those who are elected will have 15 days to do so and the rest, 60 days.³³

The OAS/EOM notes and welcomes the fact that, as it recommended in 2019, the TE developed a technological platform for the submission of campaign finance reports: the System for the Registration of Income and Expenditures (SIRIG).³⁴ Although this is an important step forward, it is noted that candidates are not legally required to use it, that to date most presidential candidates have submitted their reports in physical format, and that the system does not contain information on the use of public financing.

In terms of auditing, it was observed that, beyond the progress made in the monitoring of advertising in digital media, the TE's financing department does not have sufficient resources or the necessary means of verification to exhaustively control the veracity of the financial information reported by the campaigns. Finally, it should be noted that various stakeholders told the Mission that there are major obstacles to controlling the flow of cash to campaigns and that the fines imposed for some of the prohibited conduct in terms of financing are not high enough to act as a deterrent.³⁵

In order to continue improving the equity and transparency of elections, the Mission makes the following recommendations:

- Set aside a percentage of pre-electoral public financing for candidacies for subnational offices.

²⁹ According to Article 230 of the Electoral Code, it is prohibited to receive donations or contributions from individuals or legal entities convicted with an executed sentence of crimes against public administration, illicit drug trafficking, illegal mining, illegal logging, human trafficking, money laundering, or terrorism.

³⁰ Article 230 of the Electoral Code also bans donations or contributions from individuals or legal entities, either directly or as part of an economic group, which at the time of the donation are contractors of the State or concessionaires of public services.

³¹Article 288 of the Electoral Code.

³²Article 242 of the Electoral Code.

³³Article 240 and 241 of the Electoral Code.

³⁴ See: <https://ingresosgastos.te.gob.pa/>

³⁵ For untimely filing of reports of campaign income and expenses with private financing, use of funds from private contributions, or donations for purposes other than those related to its incorporation and operation, collection of private funds outside the single campaign accounts, among others (Articles 558 to 570 of the Electoral Code).



- Develop a mechanism whereby, in the event that a candidate who has benefited from public financing formally or informally withdraws from the race, he/she must reimburse the resources received.
- Establish for candidates for all offices the obligation to report income and expenses before election day, as far as possible, in real time.
- Strengthen the SIRIG and establish the legal obligation to use the system for accountability processes, both for private and public financing.
- Develop new mechanisms that allow the electoral body to have its own information on campaign expenses, which can be contrasted with the information reported by the parties.
- Review the system of penalties for conduct prohibited in the area of financing, ensuring that the new penalties are high enough to deter misconduct.

IV. Electoral justice

Applicable regulatory framework

As mentioned above, in preparation for these elections and based on the work of the National Commission on Electoral Reforms (CNRE), two laws were passed to amend the Electoral Code: Law 247, approved in October 2021, and Law 356, approved in February 2023. Subsequently, in October 2023, the National Assembly again modified the Code: through the enactment of Law 403, it altered Article 380, which regulates the distribution of seats in the election of deputies. The Mission was concerned by this change, which was not the result of work done by the CNRE and which took place less than a year before the elections.

At the same time, the OAS/EOM noted that, in exercise of its constitutional and legal powers, the TE issued numerous decrees throughout the campaign in order to adjust the regulations governing the electoral process.³⁶ In an interview with the Mission, various stakeholders stated that the volume and range of changes generated confusion about the rules to be followed.

Based on its observations, the Mission makes the following recommendations:

- Establish a time limit in the legislation that prohibits making changes to the Electoral Code close to the elections.³⁷

³⁶ According to the information received, the General Regulations issued on May 30, 2022 were amended 37 times.

³⁷ In line with the provisions of the Venice Commission's Code of Good Practice in Electoral Matters. See: [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) [For English see also: <https://rm.coe.int/090000168092af01>]



- Strengthen the mechanisms for the dissemination of electoral regulations and limit changes to them during the campaign, so that citizens and actors involved in the contest have security and certainty with respect to the applicable legal framework.

Institutional structure

Since 2019, Panama's electoral justice system has two levels: a first one in which the electoral administrative and criminal courts act, and a second one in which it is the plenary of the Electoral Tribunal that resolves. It should be noted that, as part of the 2021 electoral reform,³⁸ the courts of first instance were made permanent, in line with the recommendations of the OAS/EOM in 2019. However, the Mission was informed that administrative and criminal electoral judges are appointed by the TE Plenary, through a process that does not include a merit-based competition, and that their term of office has not been precisely defined.³⁹ It should be noted that these arrangements do not necessarily contribute to the full autonomy of first instance officials. It should also be noted that the Electoral Code establishes that these judges can be removed on the grounds established in the Electoral Career Law, a regulatory instrument that was never approved.⁴⁰

As for the investigation of electoral offenses and crimes, this task is the responsibility of the Electoral Attorney General's Office (FGE). The Mission welcomes the fact that this institution has been strengthened compared to the 2019 election. In addition, it is worth mentioning the creation of the electoral administrative prosecutors' offices and the electoral criminal prosecutors' offices.⁴¹ However, FGE officials told the Mission that they still did not have sufficient resources and indicated that they believed it was necessary to provide specialized training in electoral matters. Likewise, officials of the electoral criminal jurisdiction said they would appreciate more precise procedural rules in their area, since the Code of Criminal Procedure,⁴² which was not designed with an electoral process in mind, is largely applied instead.

Finally, regarding the transparency of the electoral justice system, it was observed that the TE's web portal⁴³ does not have aggregate statistics on the processing and resolution of disputes, such as the number of cases received and resolved or the average number of days of resolution. It was also noted that this platform does not include case files or sentences.

Based on its observations, the Mission offers the following recommendations:

³⁸ See: https://www.gacetaoficial.gob.pa/pdfTemp/29403_A/88090.pdf

³⁹ Electoral Code, Articles 613 and 726.

⁴⁰ Electoral Code, Articles 614 and 726.

⁴¹ Electoral Code, Articles 617 and 725.

⁴² Electoral Code, Article 722.

⁴³ See: <https://www.tribunal-electoral.gob.pa/>



- Establish a mechanism for the competitive selection and appointment of first instance electoral judges, ensuring the autonomy of their actions with respect to the appellate courts.
- Precisely define the term of office of first instance electoral judges, as well as the circumstances under which they may be removed.
- Implement a specialized judicial and ministerial career in support of the teams of the different institutions of the electoral justice system.
- Prepare an exclusive procedure for the electoral criminal jurisdiction, in order to avoid the supplementary referral to a code that does not establish expeditious legal deadlines, such as those required by an electoral process.
- Include aggregated statistics on the processing and resolution of disputes, as well as case files, on the TE website.

Challenges and disqualifications

The Mission noted that, as part of the reform, the electoral calendar was moved forward so that challenges to candidacies could be filed and resolved earlier before the start of the campaign and polls.⁴⁴ This change, recommended by the OAS/EOM in 2019, sought to provide greater certainty to the electoral process.

Nevertheless, it should be noted that in Panama there is another remedy by means of which, even after the closing of the period for challenges, the disqualification of a candidacy may be requested: the request for disqualification. The Mission observed that this request, although it is only eligible in specific cases,⁴⁵ can be filed at any time during the campaign, i.e., there is no deadline for its filing. According to data provided by the electoral administrative courts, within the framework of this process, 10 disqualification petitions were filed after the beginning of the campaign. One week before the election, three were pending final resolution by the TE plenary. It should be noted that the possibility of disqualifications a few days before voting generates uncertainty among the actors involved in the process. In addition, if the exclusion occurs after the ballots have been printed, it may generate confusion among voters and hinder the counting of votes.

⁴⁴ Electoral Code, Articles 333, 359, and 361.

⁴⁵Article 33 of the Electoral Code permits a request for the disqualification of a candidate who is or has been a public servant, of a certain rank, and has not resigned from office before 6 months prior to the election. On the other hand, based on Article 282, it is possible to request the disqualification of a candidate who participates in a public act or inauguration of a work.



As a result, the Mission makes the following recommendation:

- Establish deadlines for the presentation and resolution of disqualifications of candidacies.

V. Campaigns, media, and digital communication

Regulation and oversight of the campaign on networks

The Mission took note of the reforms to the Electoral Code that have been undertaken since the 2019 elections to monitor and oversee campaign activities in the digital environment. Those reforms redefined the concept of electoral propaganda, to cover any activity carried out in a paid manner,⁴⁶ including propaganda published by individuals on their social networks.⁴⁷ Likewise, social networks and call centers are considered digital media, and candidates are required to register their official accounts in social networks with the TE, as well as the persons who administer them. Also required is the use of signs and symbols in digital content to identify campaign content.⁴⁸

The Mission recognizes Panama's efforts to ensure a fair and equitable electoral contest and to adapt legislation to new forms of campaigning. However, it is noted that there are still obstacles for an effective control of electoral propaganda on social networks. In several interviews, the case of influencers and other public figures was mentioned. However, even when they publish eminently proselytizing content, this cannot be categorized as propaganda unless it can be proved that the person has received a compensation, which is not easy for the electoral authority to prove. Thus, the videos or publications of these people are classified as "editorial content" and/or free exercise of freedom of expression, and end up not being subject to auditing, even when, in practice, they are promoting candidacies, even during a moratorium in which electoral propaganda is not allowed.

The Mission wishes to highlight, on the other hand, the work of the TE's Center for Digital Studies and Monitoring (CEMD), created in 2019 to monitor and oversee prohibited electoral content on social networks. The Mission welcomes the fact that the CEMD has accepted the recommendation issued by the Mission in the past elections regarding the need for advanced software and tools to assist in the detection and collection of relevant information. In this regard, the Mission observed a great improvement with respect to the manual search for content conducted by officials during the previous election.

According to the information received, upon detecting banned digital content, the CEMD sends an alert to the National Directorate of Electoral Organization (DNOE) of the TE. If it is determined that there is a violation of the rules, the DNOE publishes a resolution on its networks, and the account holder is given

⁴⁶ Electoral Code, Article 257. See also the International Center for Political and Social Studies (CIEPS). "The Electoral Code and Propagandas on Social Networks." August 9, 2022. Available at: <https://cieps.org.pa/panama-el-codigo-electoral-y-la-propaganda-en-redes-sociales/>.

⁴⁷Article 259 of the Electoral Code.

⁴⁸ Electoral Code, Articles 262, 223, and 226.

two days to present arguments in his/her defense. After that, it asks the Public Policy department of the social network in question to remove the content. It is noted, however, that it is left up to the platform to remove or not to remove the content. Affected users can "challenge" the decision before the DNOE itself, which is considered to have a suspensive effect,⁴⁹ despite the fact that in practice there is no real way to recover content deleted by the social network.

Various actors interviewed by the Mission highlighted the TE's efforts to monitor campaigns and improper electoral propaganda, both on networks and other media. However, some candidates told the OAS/EOM that they had been victims of disinformation and/or xenophobic attacks, and that, in their opinion, the electoral authorities had not been sufficiently active in pursuing malicious digital content and banned electoral propaganda, particularly that involving former President Martinelli. In addition to oversight, stakeholders reported to the Mission that, despite the provision for sanctions, ensuring their effectiveness is still a challenge.

Based on its observations, the Mission recommends the following:

- That the CEMD and the Directorate of Electoral Organization continue to collaborate with digital platforms, unifying criteria for the removal of content between Panamanian regulations and the community standards of social networks, and observing international standards on freedom of expression and due process.
- Investigate ways to regulate the concepts of "electoral propaganda" and "editorial content", reconciling the correct exercise of free expression with the need to respect legitimate restrictions on campaigning in certain stages of the electoral period.
- Strengthen the electoral authority's capacity to implement and enforce sanctions against prohibited conduct relating to electoral propaganda and campaigning.
- Periodically disseminate to the public the data collected on complaints of irregular advertising and actions taken to address it.

Citizen access to objective and plural information on the electoral process

As described in the pre-electoral stage, the Mission appreciates the fact that the number of televised presidential debates has increased, that they have involved different social sectors, such as chambers of commerce and universities, and that the youth electorate has been taken into account, as stipulated in the Decree that called for the elections.⁵⁰ Additionally, the OAS/EOM welcomes the fact that the TE has

⁴⁹ Article 222 of the Electoral Code.

⁵⁰ Decree No. 29 of May 30, 2022, which calls for the General Election of May 5, 2024 and approves its regulations.

held more than one hundred regional debates with candidates for mayors, deputies, and other representatives, which were broadcast on its YouTube channel.⁵¹

In addition, the Mission highlights the value of the "Pacto Ético Digital" (*Digital Ethical Agreement*) initiative, which sought to promote the responsible use of the Internet and social networks,⁵² as well as the creation by the TE of the "Verificado Contigo" (*Checked with You*) portal⁵³ for the detection of fake news during the electoral campaign.⁵⁴ Although some civil society representatives stated that the information verified is still limited, the OAS/EOM considers that this was an important fact-checking initiative in the electoral context, especially given that none of the main media outlets undertook such verification.

The Mission offers the following recommendation:

- Work, together with civil society and the private sector, to create news verification initiatives, within and outside the electoral context, that contribute to access to reliable and pluralistic information.

VI. Women's political participation

Access to candidacies and political representation

The Mission appreciates the fact that in the last reform, gender parity was approved for the nominations of party members in parties in formation⁵⁵ and that it was decided to apply the same rule for the election of internal party authorities.⁵⁶ These provisions were added to the provisions of Article 373 of the Code, according to which political parties must nominate 50% women and 50% men for the principal positions of deputies, mayors, representatives, and councilors.

Despite the changes, it is a matter of deep concern that the current regulations continue to exhibit a series of design flaws that seriously undermine their effectiveness in promoting women's political participation, as has been observed by previous OAS/EOMs. Particularly, the aforementioned Article 373 is flawed in a way that makes it possible to circumvent parity, by establishing that, "in cases in which female participation is lower than the parity and participation established in the norm, the political parties may complete it lists with other candidates for the respective positions." This provision is a hangover from

⁵¹ See, in this regard: https://www.instagram.com/tepanama/reel/C4OY_DfveCf/.

⁵² On this initiative, see: <https://pactoeticodigital.com>

⁵³ Official website of the "Verificado Contigo" tool of the Electoral Tribunal of Panama: <https://verificadocontigo.com/>.

⁵⁴ At the time of writing, the platform mentioned 157 reports of true information, 46 reports of false information, and 24 reports of misleading information.

⁵⁵Article 71 of the Electoral Code

⁵⁶Article 373 of the Electoral Code



previous elections and is informally seen as an "escape valve," which in practice makes compliance with parity optional.

As a consequence, as in 2019, in this electoral process none of the parties complied with the parity requirement. Of the 6,878 candidacies that were presented for principal positions, only 1,331 corresponded to women, which represents only 19%.

According to preliminary results, in the 2024-2029 period, women will occupy 15 of the 71 seats in the National Assembly, one less than in the previous electoral process, representing approximately 21%. These figures place Panama, once again, below the regional average in terms of women's participation in the legislature.

The Mission offers the following recommendations:

- Eliminate the clause that allows parties to fail to comply with the parity requirement in the lists and establish a position mandate that provides greater guarantees of equality of outcome.
- Promote a national debate on other measures needed to increase the political participation of women in Panama, for which the OAS has a High-Level Group that offers its collaboration and advice.

Campaign finance

The OAS/EOM found that the current regulations do not provide for pre-electoral public financing mechanisms tailored for women, which would guarantee them a minimum of resources with which to participate in the electoral contest. The female candidates interviewed by the Mission reported difficulties in obtaining funds for their electoral campaigns, often having to resort to their own resources.

Regarding post-electoral public financing, the Electoral Code determines that 40% of the funds provided by the State must be used for training and that, of this amount, 20% must be used exclusively for the training of women.⁵⁷ To this end, the Women's Secretariat must prepare and submit training plans to the Electoral Tribunal. Various stakeholders drew the attention of the OAS/EOM to the fact that there is no information on the results of these activities or an evaluation of the real impact they have had. Likewise, in the meetings held with female candidates, they stated that the training courses do not always provide them with the tools they need for their political careers.

For future elections, the Mission offers the following recommendations:

- Follow up on implementation of the training plans submitted by the political parties, also providing them with guidelines and training tools with a gender perspective.

⁵⁷ Article 218, paragraph 2.a of the Electoral Code.



- Advance in the legislation on political financing so that more equitable distribution mechanisms for women are contemplated in the pre-electoral period.

Political violence against women

The Mission noted with satisfaction the enactment of the law to prevent, address, and punish political violence against women,⁵⁸ as well as its enabling regulations. Likewise worth noting is the drafting by the TE of the Protocol for the Prevention, Attention, and Punishment of Gender-based Political Violence against Women in the media for the dissemination of electoral propaganda.⁵⁹

Various experts and candidates interviewed by the Mission pointed out that, although the law is an important step forward, greater clarity is needed regarding the penalties to be imposed. They also warned of the need to criminalize gender-based political violence in electoral legislation and warned that there was widespread ignorance regarding the procedures for reporting political violence, which is reflected in the low number of cases brought to the attention of the authorities compared to the testimonies collected by the OAS/EOM.⁶⁰ This is despite the sensitization and communication efforts made by the court's Gender Office, which, as recommended by the Mission in 2019, has been strengthened and has taken on functions beyond internal TE issues.

Based on its observations, the Mission offers the following recommendations:

- Evaluate the impact of the Law on Political Violence against Women, in order to improve its application for future electoral processes.
- Raise public awareness about gender-based political violence, working to prevent and combat it by disseminating information about the procedures for filing complaints and the competent authorities to deal with them.
- Provide the TE's Gender Office with greater resources to guarantee and expand its activities.
- Set up an observatory in the Gender Office of the TE to monitor and record cases of political violence against women.

⁵⁸ Law 184 of November 25, 2020.

⁵⁹ See: <https://www.tribunal-electoral.gob.pa/wp-content/uploads/2024/03/BOLETIN-DEL-TRIBUNAL-ELECTORAL-N.-5589-A.pdf>

⁶⁰ According to the information received, between January 2023 and April 2024, only 12 complaints were submitted to the Electoral Attorney General's Office and 3 complaints were submitted to the TE since the approval of the protocol in March 2024.



VII. Participation of indigenous and Afro-descendant populations

According to the 2023 National Population and Housing Census, of the total number of people living in Panama, 32% identify themselves as Afro-descendant and 17% as indigenous.⁶¹ These figures, which represent a substantial increase with respect to the 2010 census,⁶² show the significant presence of these groups within the cultural and social mosaic of the country.

The Mission observed, however, that the voter registry does not have any information on the ethnic self-identification of the persons registered, since this data is not requested during processing of the registration certificate. The lack of this information makes it impossible to verify whether or not indigenous or Afro-descendant populations are underrepresented in the registry and to what extent they participate in the election. It also makes it more difficult for the electoral authority to formulate electoral programs or policies specifically oriented to these populations. However, the Mission was able to verify that in indigenous districts (*comarcas*) the number of people registered in the electoral roll grew by 18% between 2019 and this current process: more than the increase in the total number of voters, which was approximately 9%.⁶³

Regarding the training materials for polling station officials, the Mission noted that these were prepared only in Spanish. The same was true of the Electoral Tribunal's communication materials for the dissemination of information on the elections. In addition, it was found that the electoral authority does not have an area or unit specifically dedicated to promoting the participation of indigenous populations in the different stages of the electoral process.

Finally, the Mission observed that Panamanian legislation continues to prohibit the formation of ethnically based political parties,⁶⁴ which constitutes an obstacle to the political representation of indigenous and Afro-descendant peoples. Likewise, given that the TE does not collect information on the ethnic self-identification of the candidates at the time they register, it is not possible to determine to what extent these populations participate in the electoral contest and are elected.

⁶¹ Population and Housing Census 2023, available at:

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

⁶² In the 2010 census, only 9% of the population self-identified as Afro-descendant and 12% as indigenous. According to a number of stakeholders with whom the Mission spoke, the increase by 2023 is explained by a change in the perception and recognition of their own ethnic identity, largely attributable to the education and awareness campaigns carried out by institutions such as the National Secretariat for the Development of Afro-Panamanians (SENADAP), and civil society groups and organizations formed by these segments of the population.

⁶³ The number of voters in the indigenous districts increased from 175,973 in 2019 to 208,404 in 2024. The Kuna de Wargandí district had an increase of 27%, Kuna de Madugandí 21%, Ngäbe-Bugle 20%, Emberá-Wounaan 18%, and Kuna-Yala a decrease of 2%. 2019 and 2024 electoral roll data, available at <https://www.tribunal-electoral.gob.pa/wp-content/uploads/2019/02/3-ESTADÍSTICAS-DE-ELECTORES-POR-PROVINCIA-DISTRITO-Y-CORREGIMIENTO.pdf> and <https://plage12024.com/>

⁶⁴ Article 139 of the Political Constitution of Panama, available at: <https://ministeriopublico.gob.pa/wp-content/uploads/2016/09/constitucion-politica-con-indice-analitico.pdf>



Based on the above, the Mission offers the following recommendations:

- Reform the registration certificate process (*cedulación*) in order to give the voter the option of providing information on his/her ethnic self-identification. This will make it possible to obtain disaggregated data that will help the electoral authority to develop programs focused on indigenous and Afro-descendant populations.
- Promote voter information campaigns aimed specifically at the indigenous districts and territories, drawn up in the native languages of each community.
- Guarantee that the training of polling station officials in the indigenous districts has facilitators who are fluent in the native language of the place and with materials prepared in this language.
- Establish within the structure of the TE a unit responsible for the design and evaluation of policies that promote the political inclusion of indigenous and Afro-descendant peoples.
- On the candidate registration form, add an optional field where each candidate can report their self-identified ethnicity.

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