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Freedom Status: Partly Free

Aggregate Score: 41/100 (0 = Least Free, 100 = Most Free)

Freedom Rating: 5.0/7 (1 = Most Free, 7 = Least Free)

Political Rights: 5/7 (1 = Most Free, 7 = Least Free)

Civil Liberties: 5/7 (1 = Most Free, 7 = Least Free)

Quick Facts

Population: 11,200,000

Capital: Conakry

GDP/capita: \$531

Press Freedom Status: Not Free

OVERVIEW

Since Guinea returned to civilian rule in 2010 following a 2008 military coup and decades of authoritarian governance, elections have been plagued by violence, delays, and other flaws. The government uses restrictive criminal laws to discourage dissent, and political disputes are often exacerbated by ethnic divisions and pervasive corruption. Regular abuse of civilians by military and police forces reflects a deep-seated culture of impunity.

Key Developments in 2016:

- A new criminal code adopted in July outlawed torture but appeared to exclude a range of abusive practices from the definition. It also retained criminal penalties for defamation, among other problematic provisions.
- In August, a senior member of the political opposition, Ousmane Gaoual Diallo, received a suspended two-year prison sentence for making statements that were deemed offensive to the president.
- Overdue local elections were tentatively scheduled for early 2017 under a political accord reached in October.
- A number of journalists were reportedly detained and beaten by security forces, and one was killed, while attempting to cover politically sensitive events during the year.

Executive Summary:

In June 2016, the World Health Organization declared an end to transmission of the Ebola virus in Guinea, where a deadly regional outbreak had begun in 2013. A similar declaration in late December 2015 had been followed by new cases. The outbreak as a whole killed over 2,500 people in Guinea, devastated the fragile economy, and increased mistrust of the government.

Disputes over long-delayed local elections continued to fuel tensions between the governing and opposition parties in 2016. Local balloting originally due in 2010 had been repeatedly postponed, and the country had not held such elections since 2005. In October, the opposition announced a political agreement to schedule the vote for February 2017, but it remained unclear at year's end whether the plan would proceed. Contributing to the tensions, the government repeatedly failed to respect the freedoms of peaceful assembly and expression during the year. Journalists and opposition protesters faced violence and harassment from security forces, as well as prosecution for offenses such as insulting the president.

Corruption remained pervasive, and the courts suffered from a long-standing lack of resources and capacity. Impunity for Guinea's security forces also persisted, with little accountability for the hundreds of deaths and injuries they had inflicted on protesters and other civilians over the past decade.

POLITICAL RIGHTS AND CIVIL LIBERTIES

Political Rights 17 / 40

A. Electoral Process 6 / 12

A1. Is the head of government or other chief national authority elected through free and fair elections?

A2. Are the national legislative representatives elected through free and fair elections?

A3. Are the electoral laws and framework fair?

Guinea's president is elected by popular vote for up to two five-year terms. In the 2015 election, incumbent president Alpha Condé of the Rally of the Guinean People (RPG) defeated former prime minister Cellou Dalein Diallo of the Union of Democratic Forces of Guinea (UFDG), taking 57.8 percent of the vote to secure a second and final term. The months preceding the election were characterized by ethnic tensions, violence between RPG and UFDG supporters, and deadly clashes between opposition supporters and security forces. Election day itself was peaceful, but opposition candidates filed unsuccessful legal challenges of the results, claiming fraud and vote rigging. Despite a number of logistical problems, international observers deemed the vote valid.

Of the unicameral National Assembly's 114 seats, 38 are awarded through single-member constituency races and 76 are filled through nationwide proportional representation, all for five-year terms. The 2013 parliamentary elections were also marred by deadly violence, ethnic tensions, and disputes over the rules governing the polls. The RPG won 53 seats, the UFDG won 37 seats, and a dozen smaller parties divided the remainder.

Local elections were last held in 2005. The next balloting was due in 2010, but was postponed during the transition to civilian rule after the 2008 military coup. The local elections were then scheduled for early 2014, between the parliamentary and presidential elections, only to be repeatedly delayed, with the government at times citing the Ebola crisis. Negotiations between the major parties during 2016 resulted in a tentative plan, announced in October, to hold the elections in February 2017. The agreement also called for reform of the electoral commission.

B. Political Pluralism and Participation 8 / 16

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

B2. Is there a significant opposition vote and a realistic opportunity for the opposition to increase its support or gain power through elections?

B3. Are the people's political choices free from domination by the military, foreign powers, totalitarian parties, religious hierarchies, economic oligarchies, or any other powerful group?

B4. Do cultural, ethnic, religious, or other minority groups have full political rights and electoral opportunities?

The main political parties are the RPG and the UFDG. More than 130 parties are registered, most of which have clear ethnic or regional bases. Relations between the RPG and opposition parties are strained, and violent election-related clashes between RPG supporters, who are predominantly drawn from the Malinké ethnic group, and UFDG supporters, who are largely from the Peul ethnic group, have inflamed tensions.

During 2016, political disputes including the overdue local elections led to further confrontations between the government and opposition. Authorities blocked a women's opposition protest march in April, and in August a senior UFDG lawmaker, Ousmane Gaoual Diallo, received a two-year suspended prison sentence for statements that were deemed insulting to President Condé. Also in August, opposition parties held demonstrations in Conakry that brought an estimated half a million supporters into the streets. Though the protests were largely peaceful, a policeman shot and killed a bystander, resulting in the officer's reported arrest. Tensions between the UFDG and RPG eased somewhat after the conclusion of the political accord in October.

Separately, rifts within the UFDG erupted into violence in February, when ousted party vice president Amadou Oury Bah was barred from a meeting at the UFDG headquarters. Amid clashes between his supporters and those of party president Cellou Dalein Diallo, journalist El-Hadj Mohamed Diallo was fatally shot. Of the 20 UFDG supporters arrested over the incident, one subsequently died in pretrial detention, and 17 others were freed in August.

C. Functioning of Government 3 / 12

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

C2. Is the government free from pervasive corruption?

C3. Is the government accountable to the electorate between elections, and does it operate with openness and transparency?

The legitimacy of executive and legislative officials is undermined by the flawed electoral process, and their ability to determine and implement laws and policies without undue interference is impeded by factors including impunity among security forces and rampant corruption.

The National Anti-Corruption Agency (ANLC) reports directly to the presidency, and is considered to be underfunded and understaffed. A government audit whose findings were released in October 2016 uncovered thousands of civil service positions held by absent or deceased workers.

While Guinea was declared in full compliance with the Extractive Industry Transparency Initiative in 2014, allegations of high-level corruption in the mining sector have continued. In May 2016, the international anticorruption watchdog Global Witness alleged that Sable Mining supported

President Condé's 2010 election campaign, using his son as an intermediary, in return for the iron-mining license that it later received. The president denied any wrongdoing and said the government would work with Global Witness to collect evidence for an investigation. Separately, U.S. authorities in August arrested Samuel Mebiame, the son of a former prime minister of Gabon, for allegedly paying bribes to Guinean officials to secure mining concessions. In November, mining giant Rio Tinto admitted to paying over \$10 million to a presidential adviser to secure a mining concession.

Guinean authorities took some steps to punish corruption outside the mining sector. In July, two officials were convicted for embezzlement of funds earmarked for Ebola relief. Also that month, three officials were convicted for selling diplomatic passports.

An access to information law adopted in 2010 has never been effectively implemented.

Civil Liberties 24 / 40 (+1)

D. Freedom of Expression and Belief 10 / 16 (+1)

- D1. Are there free and independent media and other forms of cultural expression?
- D2. Are religious institutions and communities free to practice their faith and express themselves in public and private?
- D3. Is there academic freedom, and is the educational system free of extensive political indoctrination?
- D4. Is there open and free private discussion?

The 2010 constitution guarantees media freedom, but Guinea has struggled to uphold freedom of expression in practice. A new criminal code adopted in July 2016 retained penalties of up to five years in prison for defamation or insult of public figures. A cybersecurity law passed the previous month criminalized similar offenses online, as well as the dissemination of information that is false, protected on national security grounds, or "likely to disturb law and order or public security or jeopardize human dignity."

Among other physical attacks and criminal charges against journalists during the year, in February gendarmes reportedly beat a journalist while he was filming a protest and destroyed his camera. In June, a radio host was fined 1 million Guinean francs (\$115) after a listener called in and made remarks deemed insulting to the president. The caller, also a journalist, received a one-year prison sentence in absentia and a fine of 1.5 million francs. Separately that month, presidential guards reportedly detained and beat a journalist and destroyed his equipment after he photographed Condé in front of RPG headquarters. In August, police allegedly detained and beat a journalist while he was attempting to cover the trial of opposition politician Ousmane Gaoual Diallo.

Several dozen newspapers publish regularly in Guinea, though most have small circulations. More than 30 private radio stations and a few private television stations compete with the public broadcaster, Radio Télévision Guinéenne (RTG). Due to the high illiteracy rate, most of the population accesses information through radio; internet access remains limited to urban areas.

Religious rights are generally respected in practice. Some non-Muslim government workers have reported occasional discrimination. People who convert from Islam to Christianity sometimes encounter pressure from members of their community.

Academic freedom has historically faced political restrictions under authoritarian regimes. The problem has eased in recent years, particularly since the return to civilian rule in 2010, though self-censorship still tends to reduce the vibrancy of academic debate.

There are few limits on free and open private discussion.

E. Associational and Organizational Rights 5 / 12

E1. Is there freedom of assembly, demonstration, and open public discussion?

E2. Is there freedom for nongovernmental organizations?

E3. Are there free trade unions and peasant organizations or equivalents, and is there effective collective bargaining? Are there free professional and other private organizations?

Freedom of assembly is enshrined in the constitution, but this right is often restricted. In practice, assemblies held without notification, a requirement under Guinean law, are considered unauthorized and are often violently dispersed, leading to deaths, injuries, and arrests. Several such incidents occurred during 2016. In August, local human rights groups denounced the arrest of a dozen young protesters who had gathered to demonstrate against the poor living conditions that have compelled many Guineans to undertake the dangerous journey across the Mediterranean to Europe.

Freedom of association is generally respected. However, Guinean civil society remains weak, ethnically divided, and subject to periodic harassment and intimidation. Although workers are allowed to form trade unions, strike, and bargain collectively, they must provide 10 days' notice before striking, and strikes are banned in broadly defined essential services. Public- and private-sector unions mounted a four-day general strike in February 2016 over low wages and high fuel prices before reaching an agreement with the government. Sixteen trade union members who had been arrested during the strike were released. In March, five members of a union for retired military personnel were sentenced to six months in jail and fines of 1 million francs for insulting the president.

F. Rule of Law 4 / 16

F1. Is there an independent judiciary?

F2. Does the rule of law prevail in civil and criminal matters? Are police under direct civilian control?

F3. Is there protection from political terror, unjustified imprisonment, exile, or torture, whether by groups that support or oppose the system? Is there freedom from war and insurgencies?

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

The judicial system has demonstrated some degree of independence since 2010, though the courts remain understaffed and underfunded, and have been slow to adjudicate high-profile criminal cases – most prominently, the massacre of more than 150 opposition protesters by the forces of the military junta at Conakry stadium in 2009. Judges investigating the massacre have made some progress, and a number of current and former officials have been charged, but the case remains at the investigation stage.

The new criminal code adopted by the National Assembly in July 2016 abolished the death penalty and explicitly outlawed torture for the first time. However, the military code of justice retained the death penalty for certain offenses, and human rights watchdogs noted that the new criminal code categorized a number of acts that fall within the international definition of torture as merely "inhuman and cruel," a category that does not carry any explicit penalties in the code.

Security forces continue to engage in arbitrary arrests and torture of detainees with impunity. However, unlike in previous years, at least some personnel were arrested or investigated for

abuses during 2016. For example, 11 soldiers were charged over an incident in June in which the beating of a truck driver sparked violent confrontations between civilians and security forces.

Prison conditions remain harsh and are sometimes life threatening. Most prisoners are in prolonged pretrial detention, which contributes to severe overcrowding. In 2015 the government adopted a plan of priority actions for justice reform, and it has begun to build and staff new courthouses and construct a new prison, though progress has reportedly stalled.

Antidiscrimination laws do not protect LGBT (lesbian, gay, bisexual, and transgender) people. Same-sex sexual activity is a criminal offense that can be punished with up to three years in prison, and although this law is rarely enforced, LGBT people have been arrested on lesser charges.

G. Personal Autonomy and Individual Rights 5 / 16

G1. Do individuals enjoy freedom of travel or choice of residence, employment, or institution of higher education?

G2. Do individuals have the right to own property and establish private businesses? Is private business activity unduly influenced by government officials, the security forces, political parties/organizations, or organized crime?

G3. Are there personal social freedoms, including gender equality, choice of marriage partners, and size of family?

G4. Is there equality of opportunity and the absence of economic exploitation?

Freedom of movement has long been hindered by rampant crime and ubiquitous security checkpoints, but restrictions related to the Ebola epidemic have largely been removed.

Private business activity is hampered by corruption and political instability, among other factors. A centralized Agency for the Promotion of Private Investments aims to ease the business registration process. Following recent reforms, property registration processes have become faster and less expensive.

Societal discrimination against women is pervasive, and Guinea ranked 122 out of 144 countries on the World Economic Forum's 2016 Gender Gap Index. Under the electoral law, at least 30 percent of the candidates on the proportional representation lists for the National Assembly must be women. Women hold nearly 22 percent of the seats in the assembly. Rape and sexual harassment are common but underreported due to fears of stigmatization. While women have legal access to land, credit, and business, they are disadvantaged by inheritance laws and the traditional justice system. Guinean law allows husbands to forbid their wives from working. Female genital mutilation is illegal but nearly ubiquitous, affecting up to 97 percent of all girls and women in the country, the second-highest rate in the world. In August 2016, the government launched a campaign to discourage the practice. The new criminal code adopted in July set the legal age for marriage at 18, but early and forced marriages remained extremely common.

Guinean women and children are subject to sex trafficking and forced labor in various industries. Guinean boys have been forced to work in mines in Guinea and in neighboring countries, and women and children have been trafficked for sexual exploitation to other parts of West Africa as well as Europe and the Middle East. The 2016 criminal code specifically criminalized trafficking in persons and debt bondage, but reduced the minimum penalties for such crimes, and enforcement has been weak.

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