



FREEDOM IN THE WORLD 2020

Guinea

40

/100

PARTLY FREE

<u>Political Rights</u>	15/40
<u>Civil Liberties</u>	25/60

LAST YEAR'S SCORE & STATUS

43/100 **Partly Free**

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



Overview

Guinea returned to civilian rule in 2010, following a 2008 military coup and decades of authoritarian governance. Since then, the country has held multiparty elections, but they have been plagued by violence, delays, and other flaws. The government uses restrictive criminal laws to discourage dissent, and ethnic divisions and pervasive corruption often exacerbate political disputes. Regular abuse of civilians by military and police forces reflects a deep-seated culture of impunity. Recent politics have revolved around President Condé's constitutional review project—an initiative a broad-based opposition movement opposes on grounds that the initiative is meant to bring about a new constitution that would allow Condé a third term in office.

Key Developments in 2019

- President Condé continued to pursue his constitutional review project, which the main opposition parties and many civil society organizations and trade unions allege is a plan to allow the president to run for a third term. In April, they established the National Front for the Defense of the Constitution (FNDC), a political platform that opposes constitutional changes.
- Initially, the authorities responded to FNDC demonstrations and other advocacy with intimidation, threats, violence against protesters, and arrests of FNDC leaders and supporters. Nine people were killed in violence accompanying various demonstrations against the constitutional review project in October, according to Amnesty International. In late November, facing growing international pressure, authorities provisionally released FNDC leaders.
- At year's end, the office of the president shared a draft of the new constitution, which had not been subject to public review or comment. The draft proposes, among other things, a six-year presidential term, renewable once. The draft charter is assumed to be nonretroactive, meaning that if implemented it would presumably allow Condé to run for office again.
- The parliament approved two major bills in May: a law on equal representation of men and women on electoral lists, and an amendment to the civil code to

make monogamy the general regime of marriage.

- A newly seated electoral commission continued working to organize postponed parliamentary elections. In November, they announced February 2020 as the election month. In January 2019, seated lawmakers' terms had been extended indefinitely by presidential decree.

Political Rights

A. Electoral Process

A1 0-4 pts

Was the current head of government or other chief national authority elected through free and fair elections?

3/4

Guinea's president is elected by popular vote for up to two five-year terms. In the 2015 election, incumbent 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 term. The months preceding the election saw rising ethnic tensions, violence between RPG and UFDG members, and clashes between opposition supporters and security forces that left several people dead. 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.

In December 2019, Condé announced that he would seek a national referendum on a new constitution—a move his opponents allege is intended to secure a new constitution that will allow him to serve a third term. At year's end, the office of the president shared a draft of the new constitution, which had not been subject to public review or comment. The draft proposes, among other things, a six-year presidential term, renewable once. The draft charter is assumed to be

nonretroactive, meaning that if implemented it would presumably allow Condé to run again.

A2 0-4 pts

Were the current national legislative representatives elected through free and fair elections?	0 / 4
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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. Political and protest-related violence in the period before the 2013 parliamentary elections was severe, with dozens of people killed and hundreds injured. Ethnic tensions and disputes over the rules governing the polls contributed to the unrest. The RPG won 53 seats, the UFDG won 37, and a dozen smaller parties divided the remainder.

Parliamentary elections set for late 2018 have been postponed until February 2020, and the original mandate of the incumbent legislature has expired. In January 2019, seated lawmakers' terms were extended indefinitely by presidential decree.

Local elections—the first since 2005—were finally held in February 2018. The opposition claimed that the polling was marred by widespread fraud, and violence between opposition supporters and security forces broke out after the elections. Opposition leaders disputed the results of many races, which delayed the seating of numerous local officials. In August 2018, the RPF and the UFDG reached an agreement to end the impasse, which included the resolution of several contested mayoral races. However, some opposition politicians were dissatisfied with the agreement, and accused authorities of violating its terms by bribing officials in order to retain control of local governments. These electoral disputes have still not been completely resolved.

Score Change: The score declined from 1 to 0 because legislative elections have been postponed, and the original mandate of the incumbent legislature expired.

A3 0-4 pts

Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies?

2/4

While the electoral framework has allowed credible elections to proceed in some cases, it has consistently been subject of political disputes, with rival factions claiming a lack of fair representation on electoral commissions. Elections at the local level were not held between 2005 and 2018 due to the 2008 military coup, the outbreak of the Ebola virus that lasted from 2013 to 2016, and political gridlock. The elections were finally carried out in February 2018.

In July 2018, the National Assembly passed reforms to the Independent National Electoral Commission (CENI). The law reduced the number of commissioners from 25 to 17, and mandated that 7 commissioners be from the opposition, 7 from the ruling party, 2 from civil society, and 1 from the executive branch. The law also requires political parties to hold two seats in the National Assembly and to have contested the last presidential election to gain representation in the CENI.

The new electoral commission started an internal review of the recommendations made by the auditors of the voter register in September 2018, and later released key recommendations including numerous measures aimed at preventing manipulation of voter rolls, and at protecting voters' personal data. The CENI started voter registration ahead of the February 2020 parliamentary elections in the midst of a very tense political environment.

B. Political Pluralism and Participation

B1 0-4 pts

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

2/4

The main political parties are the ruling RPG and the opposition UFDG. More than 130 parties are registered, with most having clear ethnic or regional bases. Relations between the RPG and opposition parties are strained, and some elections have seen violent clashes between supporters of the RPG and UFDG.

Members of the FNDC, a new grouping of civil society groups, political parties, and labor unions, have faced intimidation and arrests. Violence was widespread in the series of protests they initiated across the country since mid-October 2019. However, since November, FNDC leaders have been provisionally released from jail, and some of their demonstrations have been authorized.

B2 0-4 pts

<p>Is there a realistic opportunity for the opposition to increase its support or gain power through elections?</p>	<p>2/4</p>
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Although multiparty elections take place, Guinea has not established a pattern of peaceful democratic power transfers between rival parties. Before becoming president in 2010, Condé was an opposition leader under longtime president Lansana Conté. However, rather than defeating an incumbent leader, Condé won the first election after a period of military rule that followed Conté's death in 2008.

Security forces frequently attack rallies and protests organized by the opposition, making it more difficult for opposition parties to mobilize their supporters. The government banned a number of demonstrations by opposition parties and the FNDC in 2019, including the October 2019 protests in which at least nine citizens were killed and many were injured.

B3 0-4 pts

<p>Are the people's political choices free from domination by forces that are external to the political sphere, or by political forces that employ extrapolitical means?</p>	<p>1/4</p>
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While the military's role in politics has waned since the return to civilian rule, ethnic loyalty continues to play an outsized role in the political choices of voters and party leaders. Rather than organizing around policy platforms or political ideologies and trying to attract new supporters, each party tacitly pledges allegiance to its respective ethnic group, contributing to the threat of mutual hostility and violence.

As President Condé and his allies have been floating the constitution project, the administration has received rhetorical and other support from powerful external actors. For example, the Russian ambassador to Guinea, appearing on state television in January 2019, called Condé “legendary” and endorsed the constitution project, adding that it would be beneficial to the country if Condé remained in power. There is widespread speculation that lucrative, foreign-owned mining interests in Guinea, including Russian and Chinese operations, back Condé because they view him as best positioned to protect their interests.

Score Change: The score declined from 2 to 1 because powerful external actors provided support for the incumbent president as he sought constitutional reforms that would allow him to run for a third term.

B4 0-4 pts

<p>Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities?</p>	<p>2 / 4</p>
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Women and minority groups have full political rights, but ethnic divisions and gender bias limit their participation in practice. Women hold nearly 22 percent of the seats in the assembly. In May 2019, the Republic of Guinea adopted a law on parity according to which women must constitute 50 percent of the electoral lists. Valid lists of candidates will be those that are alternately composed of names of candidates of both sexes. However, in the past, parties have not consistently adhered to previous legal obligations to grant women at least 30 percent of the places on their proportional representation lists for the National Assembly.

C. Functioning of Government

C1 0-4 pts

Do the freely elected head of government and national legislative representatives determine the policies of the government?	1/4
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The flawed electoral process undermines the legitimacy of executive and legislative officials. In addition, their ability to determine and implement laws and policies without undue interference is impeded by impunity and rampant corruption.

C2 0-4 pts

Are safeguards against official corruption strong and effective?	1/4
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The National Anti-Corruption Agency (ANLC) reports directly to the presidency, and is underfunded and understaffed. A government audit whose findings were released in 2016 uncovered thousands of civil service positions held by absent or deceased workers. Some lower-level officials have been prosecuted on corruption charges in recent years, but major cases involving senior politicians and the lucrative mining industry have mainly been pursued in foreign courts.

In 2017, the National Assembly adopted an anticorruption law that restructures the ANLC and establishes new procedures for receiving corruption complaints and protecting whistle-blowers. The law has still not been applied.

C3 0-4 pts

Does the government operate with openness and transparency?	1/4
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Government operations are generally opaque. An access to information law adopted in 2010 has never been enacted. However, the Natural Resource Governance Institute

(NRGI), in its 2019 Resource Governance Index (RGI) interim evaluation for Guinea, reported some improvements related to government transparency. These were mostly related to reforms of rules and practices under the responsibility of the Ministry of Mines and Geology, as well as to revenue management.

Civil Liberties

D. Freedom of Expression and Belief

D1 0-4 pts

Are there free and independent media?	2/4
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The 2010 constitution guarantees media freedom, but Guinea has struggled to uphold freedom of expression in practice. A new criminal code adopted in 2016 retained penalties of up to five years in prison for defamation or insult of public figures, contributing to self-censorship among journalists. A cybersecurity law passed the same year 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.”

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.

The climate for journalists has improved somewhat in recent years, with fewer violent attacks and prosecutions for defamation. In 2019, however, journalists expressed concern over state harassment of private media outlets after dozens of journalists were placed under judicial supervision, and organized a protest before the High

Authority of Communication (HAC) in August in response In October, two Al-Jazeera journalists reporting on the protests against a potential third term for Condé were arrested and expelled from the country.

D2 0-4 pts

Are individuals free to practice and express their religious faith or nonbelief in public and private?	3/4
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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 their community.

D3 0-4 pts

Is there academic freedom, and is the educational system free from extensive political indoctrination?	3/4
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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 discourse.

D4 0-4 pts

Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution?	3/4
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There are few practical limits on private discussion, though ethnic tensions and laws restricting freedom of expression may deter open debate in some circumstances. In 2019, activists who voiced their opposition to the constitutional reform project faced harassment, arrest, and imprisonment, discouraging debate of the topic more generally.

E. Associational and Organizational Rights

E1 0-4 pts

Is there freedom of assembly?	1/4
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Freedom of assembly is enshrined in the constitution, but this right is often restricted. Assemblies held without notification as required by Guinean law are considered unauthorized, and are often violently dispersed, leading to deaths, injuries, and arrests.

Authorities responded to October 2019 protests against a new constitution with intimidation, threats, violence against protesters, and arrests of FNDC leaders and supporters. Nine people were killed at various demonstrations against the constitution project in October, according to Amnesty International. Later, with the help of international pressure, and anti-third-term protests were authorized.

E2 0-4 pts

Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work?	1/4
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Civil society remains weak, ethnically divided, and subject to periodic harassment and intimidation. Intimidation, harassment, and imprisonment of nongovernmental organization (NGO) workers and activists increased in 2019, especially against those opposing the new constitution and third-term project. Guinean NGOs also struggle due to poor access to funding, leadership struggles, the restriction of civic space, and safety issues.

In 2019, authorities also introduced legislation which, if approved, would place greater regulatory and reporting constraints on NGOs, and includes requirements that

groups be “professional” and “apolitical.”

Score Change: The score declined from 2 to 1 because NGO workers and activists, especially those opposing the president’s new constitution project, faced increased legal and extralegal harassment.

E3 0-4 pts

Is there freedom for trade unions and similar professional or labor organizations?	2/4
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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. In practice, unions are relatively active.

F. Rule of Law

F1 0-4 pts

Is there an independent judiciary?	1/4
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While the judicial system has demonstrated a limited degree of independence since 2010, it remains subject to political influence and corruption.

In September 2018, Kéléfa Sall, the head of the Constitutional Court and an outspoken critic of President Condé, was dismissed. Opposition leaders condemned the move as an attack on judicial independence, claiming that Sall’s dismissal was intended to enable Condé to potentially introduce a referendum that would allow him to run for a third term. (Sall died in July 2019; reportedly no state official attended his funeral service or formally acknowledged his death.)

F2 0-4 pts

Does due process prevail in civil and criminal matters?	1/4
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Security forces engage in arbitrary arrests, often disregarding legal safeguards. Most detainees are people in prolonged pretrial detention, though justice reforms in recent years have reduced their numbers. Due-process rights pertaining to trials are frequently denied, and many disputes are settled informally through traditional justice systems.

F3 0-4 pts

Is there protection from the illegitimate use of physical force and freedom from war and insurgencies?	1/4
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The new criminal code adopted in 2016 eliminated the death penalty and explicitly outlawed torture for the first time. However, human rights watchdogs noted that the 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. In practice, security forces continue to engage in torture and other forms of physical violence with apparent impunity.

The justice system has largely failed to hold perpetrators accountable for past atrocities under military rule. In April 2018, the Ministry of Justice formed a steering committee to prepare for the trial of 13 suspects indicted in late 2017 for the 2009 Conakry stadium massacre, in which over 150 opposition protesters were killed by security forces. The trial has not yet commenced.

F4 0-4 pts

Do laws, policies, and practices guarantee equal treatment of various segments of the population?	1/4
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Women face pervasive societal discrimination and disadvantages in both the formal and traditional justice systems. Various ethnic groups engage in mutual discrimination with respect to hiring and other matters. Antidiscrimination laws do not protect LGBT+ people. Same-sex sexual activity is a criminal offense that can be

punished with up to three years in prison; although this law is rarely enforced, LGBT+ people have been arrested on lesser charges.

G. Personal Autonomy and Individual Rights

G1 0-4 pts

Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education?	2/4
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Guineans generally enjoyed freedom of movement for both domestic and international travel in 2019. However, rampant crime in some neighborhoods can impede movement.

G2 0-4 pts

Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors?	2/4
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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.

Women face gender-based disadvantages in laws and practices governing inheritance and property rights.

G3 0-4 pts

Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance?	1/4
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Rape and domestic violence are common but underreported due to fears of stigmatization, and there is no specific legislation meant to address domestic abuse. Female genital mutilation (FGM) is nearly ubiquitous despite a legal ban, affecting up to 97 percent of girls and women in the country. The new criminal code adopted in 2016 set the legal age for marriage at 18, but early and forced marriages remained common.

The parliament of Guinea in May 2019 amended the civil code to make monogamy the general regime of marriage, except in case of “explicit agreement” of the first wife. This reflected a major change to a bill passed in late 2018 legalizing polygamy, which was rejected by President Condé.

G4 0-4 pts

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

1/4

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. In some mining areas, child labor is a major issue. There are also cases of women and children being trafficked for sexual exploitation to other parts of West Africa as well as Europe, the Middle East, and the United States.



On Guinea

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Country Facts

Global Freedom Score

40 / 100 Partly Free

Other Years

2019

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