COVID-19 exposes the damage of the ex-regime's empowerment policy on ICTs and the impact of US sanctions against Sudan

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For decades, the internet has not reached all areas in Sudan; this year, out of a total population of 43 million, only 13.38 million are internet users. This is evidence that neither the previous nor current rulers made real efforts to implement the principles of the African Declaration on Internet Rights and Freedoms,[1] such as citizens' rights to access information on the internet, and that internet access should be available and affordable to all.

The transitional government has yet to fully utilise information and communications technologies (ICTs) in developing the country's economy, health systems and education. This is due to several reasons, including the most significant reason which is the US sanctions against Sudan.

Sudan is now in the first year of the three transitional periods that started in August 2019, following eight months of peaceful demonstrations to remove the dictatorial regime of Omer Al-Bashir. Although the number of internet users has increased in Sudan, online public services and information are not yet available to serve citizens' rights to information. The inherited ICT infrastructure, systems and policies from the ex-regime restrained the transitional government's response to the COVID-19 pandemic. However, ministers are currently struggling to find systems that could support their decision making.

The Federal Ministry of Health (FMoH) has announced a national COVID-19 response plan at a cost of USD 76 million, while only 200 million Sudanese pounds (USD 3.6 million) have been pledged by the businessmen's union, telecommunication companies and the banking union. Also, the FMoH in coordination with telecommunications companies sent text messages to users on preventing the spread of COVID-19 and raising awareness.

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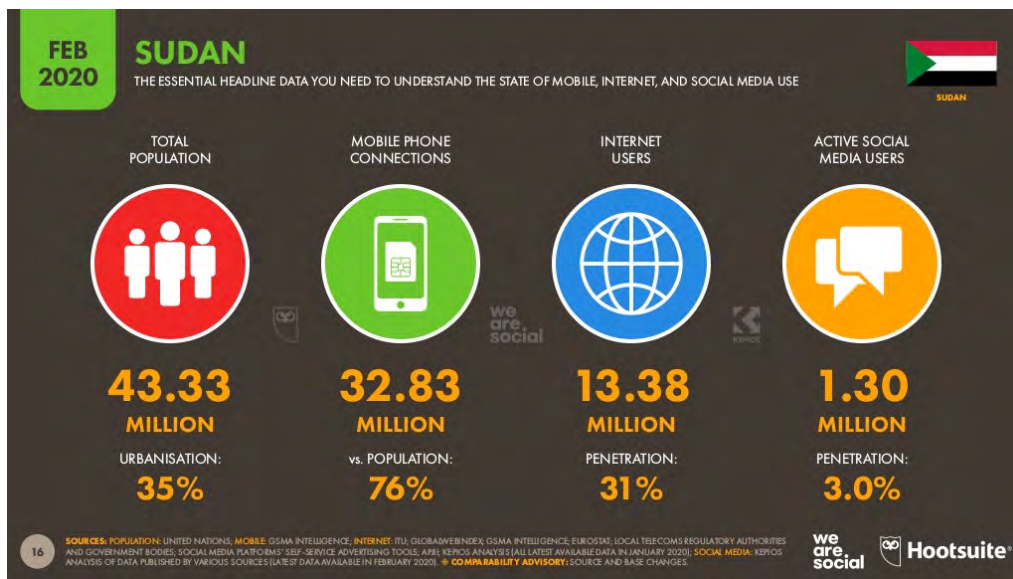
1   https://africaninternetrights.org/articles

According to a UN Office for the Coordination of Humanitarian Affairs report,[2] the first COVID-19 case in Sudan was confirmed on 13 March. Thereafter, Sudan's Transitional Government closed all ports, airports and land crossings and declared a public health emergency. The government ordered an inter-state public transportation halt, and a countrywide-imposed curfew, on 30 March. Following this, on 18 April, authorities established a total lockdown, with people allowed to purchase essential goods between the hours of 6:00 a.m. and 1:00 p.m.[3]

WOMEN ARE THE MOST AFFECTED BY THE LOCKDOWN

Before the spread of COVID-19, on 8 March 2020, feminists groups were protesting to change the Personal Status Law instituted by the previous regime.[4] The law contains oppressive articles on marriage, divorce and spousal obedience, which means a husband's permission is needed for work and travel. This law has affected women's access to education and their ability to be financially self-sufficient. Sudan's laws facilitate and encourage child marriage, giving it an Islamic legitimacy, but there are no open data policies which will allow citizens to access information that reveals the number of young girls who were forced to get married, before and during the lockdown.

2   https://reports.unocha.org/en/country/sudan

3   HCT/UNCT. (2020). *Sudan COVID-19 Country Preparedness and Response Plan.*https://www.relief-web.int/sites/reliefweb.int/files/resources/200504_Sudan%20HCT-UNCT%20Covid-19%20Plan.pdf

4   Saleh, S. (2020, 10 March). Sudanese Women Call For Amending the Country's Personal Status Law. *Asharg Al-Awsat.* https://english.aawsat.com/home/article/2172347/sudanese-women-call-amending-countrys-personal-status-law
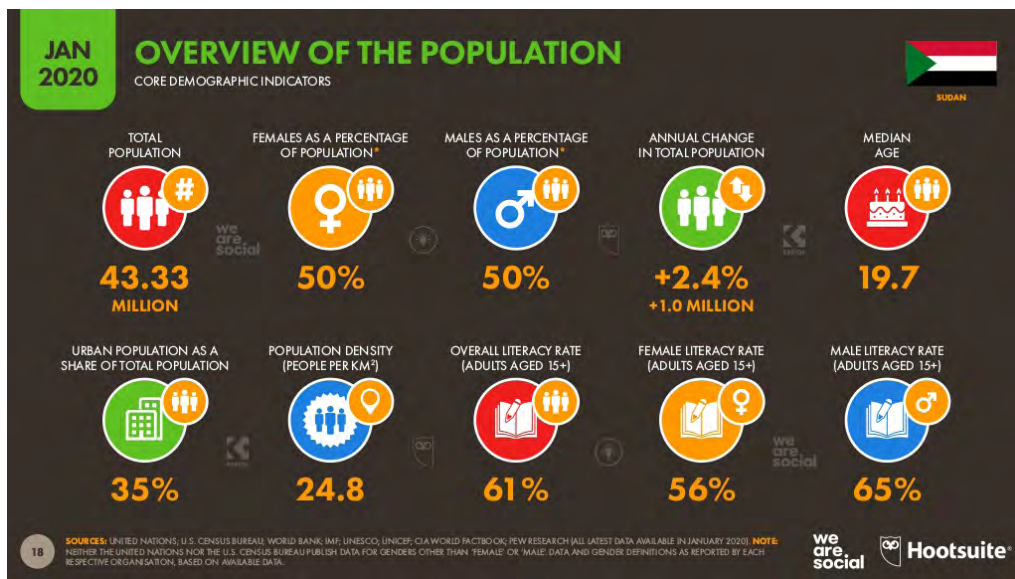
← Overview of the Population
Source: United Nations

Supporting women online is close to impossible, particularly those who are vulnerable to violence, and those working in the informal sector.[5] Unfortunately, the majority of women cannot afford digital devices and are not digitally literate. Many women also lack the confidence to use digital technologies, due to educational, cultural and financial factors which contribute to the gender digital divide.

Before the lockdown, one used to see women with tea and food stands scattered all over the city earning pension money. These ladies are among the most marginalised groups in terms of the absence of laws that protect them in their workplace from gender-based violence and the security forces. Still, they face violence from the security forces during the lockdown, after the majority of them slowly got back to the streets when they were confronted with financial hardships due to the lockdown extension.

After more than 60 days of complete lockdown, the Ministry of Labour and Social Development, together with the Supreme Committee for Health Emergencies, faced challenges to reach out and support about 15,000 women with their families. About 12,000 of them have submitted their data and contact details. However, the ministry does not have the technical solutions that support the distribution of resources, and most of those women still do not have bank accounts or digital devices.

Lately, this situation sparked several questions and complaints by members of the women's union, with a representative of the "tea ladies" saying in an interview (translated):

> We demand that the transitional government and the Supreme Committee for Health Emergencies acknowledge our rights to dignity and safety and fulfil their obligations towards women working in the informal sector and on the outskirts of Khartoum, even women outside the union, to provide

5   UNFPA. (2020, 22 March). Sudan GBV Sub Sector Guidance on Covid-19, 1st Bulletin. https://www.humanitarianresponse.info/fr/operations/sudan/document/sudan-gbv-sub-sector-guidance-covid-19-1st-bulletin-22-mar-2020

them with assistance in light of the continued implementation of the curfew and to cooperate with the union in providing aid and consumer goods.[6]

Although about 60% to 70% of the people on the frontlines of the revolution that took Bashir down were women, the transitional government continues to ignore their representation in the transitional government. Politics are still dominated by men from political parties, civil society and the military, negotiating the country's political future, and women once again have been pushed aside.
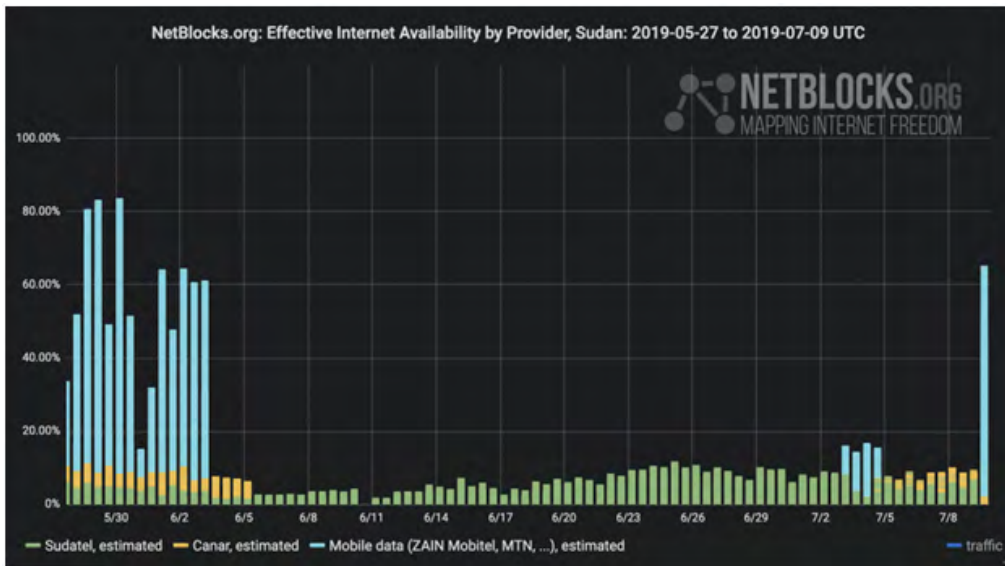
← Effective Internet Availability by Provider, Sudan
Source: Netblocks.org

THE IMPACT OF THE EX-REGIME'S EMPOWERMENT POLICY ON INTERNET RIGHTS AND DEVELOPMENT

In 1989, the Sudanese government was overthrown in a military coup led by an army brigadier, Omer Al-Bashir. His regime was inviting new members to pledge loyalty to his political party, targeting civil society and union leaders, as well as members of the military itself. There were "ghost houses" in residential areas across the country that were dedicated to torturing those who disobeyed the regime's orders. Slowly, the government's network extended and became a source of strength. The regime's allies were given rewards with positions at universities, in government, the national intelligence service, media, private sector, telecom sector, the civil service and the diplomatic corps. The army became politicised and subordinated to the regime. There were no more military leaders, only the regime's loyalists.

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6   https://www.youtube.com/watch?v=ni99NSydVB4

In 1993, the government privatised the telecommunication sector and formed the National Telecommunication Corporation (NTC) under the Telecommunication Act in 2001.[7] The NTC is the federal regulatory authority of the information and telecommunication sector throughout the territories of the Republic of Sudan. The corporation has designated its functions and power to plans, policies and regulations for telecommunication services and to ensure their national availability, balanced development and the realisation of social and national objectives. The ruling regime appointed their associates at the NTC to pass the regime's orders; this is when the political activists, journalists and human rights defenders faced arbitrary detention by the National Security and Intelligence Service (NISS), who obtained their personal data and other information without complying with the basic principles of privacy and communication surveillance.[8] As reported in 2014 by The Citizen Lab:

> Sudan is one of 21 governments that are currently using or have used Hacking Team's RCS [remote control system] spyware. [...] Hacking Team distinguishes RCS from traditional surveillance solutions (e.g., wiretapping) by emphasizing that RCS can capture data that is stored on a target's computer, even if the target never sends the information over the Internet. RCS's capabilities include the ability to copy files from a computer's hard disk, record Skype calls, e-mails, instant messages, and passwords typed into a web browser. Furthermore, RCS can turn on a device's webcam and microphone to spy on the target.[9]

In August 2019, as part of the institutional reform, the Ministry of Information and Communications Technology was dissolved, exposing the regulatory body (NTC) to political interference by the Sovereign Council. Some institutions that were working under the ministry were moved: the National Telecommunication Corporation to work under the Sovereign Council, the National Information Centre under the Council of Ministers, and the Nile Center for Technology Research under the National Intelligence Service.
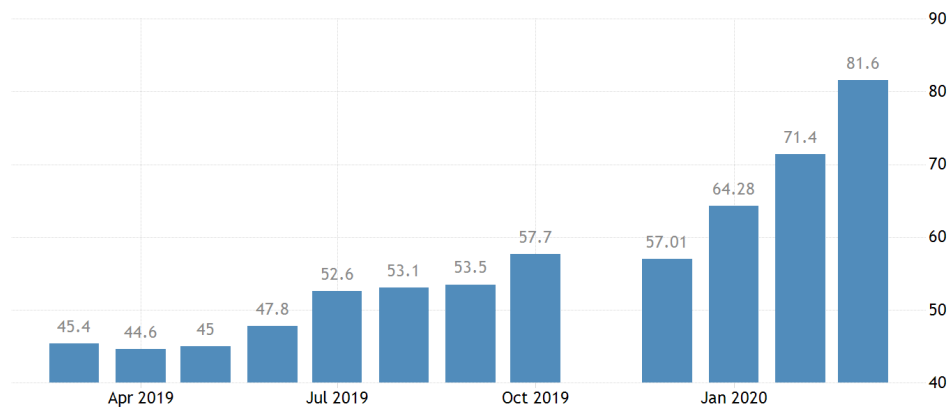
The various ICT bodies under different authorities are now working without proper policies, strategies and technical leadership aimed at serving the national security and development goals. Currently, the Ministry of Labour and Social Development is challenged to collect basic information about families that need financial support during the lockdown. Evidence of emergency response efforts have shown that the government is distributing food packages by depending on resistance committees formed during the revolution in different neighbourhoods.

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7   NTC Sudan. (2006). *Sudan key indicators of the telecommunication/ICT sector.* ITU. https://www.itu.int/md/dologin_md.asp?id=D02-ISAP2B.1.1.1-INF-0007!!PDF-E

8   Abubkr, L. (2014, 10 April). Online surveillance and censorship in Sudan. *APC.* https://www.apc.org/en/blog/online-surveillance-and-censorship-sudan

9   Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, 17 February). Mapping Hacking Team's "Untraceable" Spyware. *The Citizen Lab.* https://www.citizenlab.ca/2014/02/mapping-hacking-teams-untraceable-spyware

45.4 44.6 45 47.8 52.6 53.1 53.5 57.7 57.01 64.28 71.4 81.6

Apr 2019   Jul 2019   Oct 2019   Jan 2020

90
80
70
60
50
40

SOURCE: TRADINGECONOMICS.COM | SUDAN CENTRAL BUREAU OF STATISTICS

← Sudan Central Bureau of Statistics: Inflation rate
Source: tradingeconomics.com

However, the existing mechanism cannot effectively track the food packages distributed, or validate the actual numbers of all families supported.

On 10 May this year, intercommunal clashes broke out in Kassala state between the Nuba and the Beni Amer tribes.[10] Internet services were cut off for about three days on the three mobile phone network operators (Zain, MTN and Sudani) in the cities of Kassala,[11] while internet services were still available on the fixed Sudatel network. As is the case with other countries, the Telecommunication Regulatory Act 2018 is not precise about the justifiable limitations of freedom of expression that allow the government to cut off the internet.

The recent affiliation of the NTC to the Sovereign Council is a parlous indicator, especially since some members of the Sovereign Council were occupying positions within the Transitional Military Council, and were involved in shutting down the internet at the time of the Khartoum Massacre[12] for over a month. On 9 July 2019, Netblocks reported on the shutdown that "internet measurements confirmed that the new restrictions understood to have been ordered by Sudan's Transitional Military Council were more severe than those implemented during the rule of ousted president Omar al-Bashir."[13]

On the first anniversary of the Khartoum Massacre in June 2020, while the resistance committees and the family of martyrs committees across the capital city of Khartoum were preparing for the memorial, the ministries' websites were hacked for over eight hours by hackers named JanJaweb. They were posting updates on Twitter that they hacked the ministries' and academic institutions' websites. This incident carried a powerful message that the government's websites are not protected and that the transitional government must focus

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10   Sudan Tribune. (2020, 10 May). 10 killed in fresh tribal violence in eastern Sudan. *Sudan Tribune*. https://www.sudantribune.com\spip.php?article69318

11   Mohammed Salih, Z. (2020, 25 May). Coronavirus in Sudan exposes new leaders. *BBC*. https://www.bbc.com/news/world-africa-52735520

12   Human Rights Watch. (2019, 17 November). "They Were Shouting 'Kill Them'": Sudan's Violent Crackdown on Protesters in Khartoum. https://www.hrw.org/report/2019/11/18/they-were-shouting-kill-them/sudans-violent-crackdown-protesters-khartoum#3086

13   NetBlocks. (2019, 9 July). Sudan internet shows signs of recovery after month-long shutdown. https://netblocks.org/reports/sudan-internet-recovery-after-month-long-shutdown-98aZpOAo

on establishing a technical and executive body/ministry that leads to securing national information.

Sudanese activists protest in Khartoum demanding amendments of the Personal Status Law
Source: Aawsat

US SANCTIONS AFFECTING THE RESPONSE TO THE COVID-19 PANDEMIC

In 1993, the United States designated Sudan as a state sponsor of terrorism,[14] a distinction currently shared by just two other countries, Iran and Syria. As a result, the US imposed economic and technological sanctions on Sudan, including certain restrictions on financial transactions and banking systems. Then, in 1997, the US issued an executive order that imposed a comprehensive trade embargo on Sudan and froze its government's assets in the US, claiming that the policies and actions of the government of Sudan included continued support for international terrorism and continuing efforts to destabilise neighbouring governments. In 2006, the US Department of the Treasury blocked the assets of Sudanese individuals involved in the violence and imposed sanctions on 30 companies owned or controlled by the government of Sudan.

In 2015, the US government issued a general licence to provide internet users with easy access to the internet, alongside a wide range of software, hardware and online services.[15] In January 2017, they temporarily lifted economic and trade sanctions against Sudan,[16] due to cooperation from the Sudanese government in fighting terrorism, reducing conflict, and denying safe haven to South Sudanese rebels, as well as improving humanitarian access to people in need. This was followed by the permanent lifting of all 1997 sanctions after Sudan cut all ties with the North Korean regime of Kim Jong Un. Finally, as of October 2017, the sanctions imposed by the United Nations Security Council in relation to the Darfur conflict remain in place.

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14   Prendergast, J., & Brooks-Rubin, B. (2016). *Modernized Sanctions for Sudan: Unfinished Business for the Obama Administration*. The Enough Project. https://enoughproject.org/files/Modernized_Sanctions_for_Sudan_042016.pdf

15   Kenyanito, E. P. (2015, 19 February). U.S. eases sanctions on tech exports to Sudan. *Access Now*. https://www.accessnow.org/us-eases-sanctions-tech-exports-sudan

16   Rosenberg, M. (2017, 17 October). U.S. Lifts Sudan Sanctions. *International Trade*. https://internationaltrade.foxrothschild.com/2017/10/articles/export-compliance/u-s-lifts-sudan-sanctions

Due to the comprehensive sanctions imposed on Sudan, the country has relatively small and fragile academic communities and low rates of investment in science, technology, engineering and mathematics (STEM). Most of the government institutions, civil society organisations, universities and the commerce sector are struggling to access ICTs and the internet to manage their business continuity during the lockdown. Even though the sanctions around communication technologies were lifted since 2015,[17] the trade embargo still impeded access to a long list of technologies and devices under the US Export Administration Regulations,[18] including electronics, computers, technology for civil end-use or civil infrastructure, telecommunications and information security technologies and free-of-charge systems for government use. All these items remain on the commerce control list and require legal authorisation to be exported or re-exported to Sudan.

On the other hand, the lifting of 20-year-old US sanctions has so far failed to produce a hoped-for boost in foreign investment. Sudan has a black market that has effectively replaced the formal banking system and is making the economic crisis more pressing, with a 114% inflation rate.[19] The US sanctions paralysed the country in coping with the technology revolution and hindered citizens' access to knowledge and enjoyment of their right to development.

RECOMMENDATIONS

TO THE US GOVERNMENT:

- The State Department must remove Sudan from the list of State Sponsors of Terrorism, and coordinate with the US Bureau of Industry and Security to increase the accessibility of items on the commerce control list, in order to translate existing norms to the digital age and to make it easier for both government and private companies to fully utilise the ICT infrastructure in developing the country.

- The US Bureau of Industry must announce and encourage the US tech companies to unlock online services in Sudan.

- The US Treasury must lift the remaining economic sanctions, to unlock the economy that has been long set in a stranglehold making it next to impossible for businesses to carry out US dollar transactions or to work with foreign banks and access loans from international institutions.

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17   U.S. Bureau of Industry and Security. (2015, 18 February). Revisions to License Exception Availability for Consumer Communications Devices and Licensing Policy for Civil Telecommunications-Related Items Such as Infrastructure Regarding Sudan. *Federal Register.* https://www.federalregister.gov/documents/2015/02/18/2015-03329/revisions-to-license-exception-availability-for-consumer-communications-devices-and-licensing-policy

18   https://www.bis.doc.gov/index.php/policy-guidance/country-guidance/sanctioned-destinations/sudan

19   https://www.take-profit.org/en/statistics/inflation-rate/sudan

THE MINISTRY OF JUSTICE MUST:

- Implement the provisions of the Declaration of Principles on Freedom of Expression and Access to Information in Africa (the Declaration),[20] adopted in November 2019 by the African Commission on Human and Peoples' Rights. The Declaration requires states to adopt legislative, administrative, judicial and other measures to give effect to the provisions of the Declaration.

- Reform the ICT regulatory bodies' laws to be aligned with the Declaration, as well as giving the required privileges and authorities to the institution/ministry that will manage the sector.

THE TRANSITIONAL GOVERNMENT MUST:

- Address the equal representation of women, and establish a clear mechanism for hiring and selecting national talent from both women and men, especially while reforming the ICT sector where it is important to have female role models in technology.

- Reform the ICT sector to be supervised by the Council of Ministers, and consider the Declaration's principles 17 (regulatory bodies for broadcast, telecommunications and the internet), 36 (sanctions for withholding information), 37 (access to the internet), 41 (privacy and communication surveillance) and 43 (legislative and other measures to implement the Declaration).

- Ensure all regulatory bodies are independent and adequately protected from political, military or National Intelligence Services interference, including restructuring the Sudanese National Radio and Television Authority which is currently working under the Ministry of Media.

- Remove the Cyber Jihadist Unit from the NTC, and ensure that all remote control systems are removed, including the website that filters content or blocks access to websites and information.

- Develop open data policies that promote transparency and accountability, and allow citizens to create value from data provided.

- Develop and adopt ICT policies that will promote a conducive economic environment to foster an internet economy.

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20 https://www.achpr.org/presspublic/publication?id=80

- Address the gaps that US sanctions caused in hindering the country's development, by 1) developing and integrating ecommerce policies and trade facilitation into its development agenda, to expand and diversify exports, and 2) ensuring simplified procedures using international standards and readiness of epayments infrastructure to stimulate cross-border ecommerce activity by Sudanese enterprises.

TO THE MINISTRY OF EDUCATION AND THE UNESCO SUDAN OFFICE:

- It is important that the Ministry of Education introduces ICTs in education to build capacity for the next generation that will equip them with digital literacy skills.

- The UNESCO Sudan office must support the efforts of the Ministry of Education to design and implement effective, evidence-based ICT programmes in education policies and master plans.

- The UNESCO Sudan office must support the ministry in effectively using ICTs to advance progress towards Education 2030 targets.