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*Economic, social and cultural rights
and the internet*



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SUDAN

NEW SPACES FOR WOMEN IN SUDAN



KEYWORDS: **gender, culture**

Liemia Eljaili Abubkr

Introduction

Women's rights activists and organisations in Sudan face different challenges in using the internet, social media and mobile phones to enhance public awareness on economic, social and cultural rights (ESCRs), to advocate for gender equality and justice, and to defend human rights. These challenges are due to low technical capacity and poor access to resources, as well as oppressive laws and policies. The internet helps women find new spaces to overcome some of these challenges. The internet can offer an easier channel of communication to influence policy makers, reach more women, and to support women's recovery when they are subject to human rights violations. This report will discuss the opportunities and challenges women face and how they overcome these challenges which impact negatively on their economic and social life.

Women's rights activists and organisations use the internet in their campaigns in Sudan in order to gather support for their causes, and to attract international media attention and the support of international human rights organisations. I will discuss and share two cases in particular. The first involves a sentence that was handed down to Amera Osman, who was arrested by the public order police because she refused to wear a hijab. The second case involves the experiences of a pressure group called "No to Women's Oppression". This group is advocating for the abolishment of the public order laws and helps women and girls who are punished by the laws. These two cases throw into sharp relief the challenges faced in countries that sign the International Covenant on Economic, Social and Cultural Rights (ICESCR), but with exceptions.

The public order laws target women working in informal sectors, violating their right to work and limiting their opportunities to raise their income. This violates Article 6 of the ICESCR, which recognises the right to work, as well as Article 11, which states: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to

the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent."

Challenging oppressive laws and practices

Sudanese women have been subject to political, economic, social and cultural marginalisation. This exclusion and marginalisation are reflected in discriminatory laws, policies and practices, which negatively affect their lives. These laws and policies are not in line with the country's constitution and Sudan's regional and international human rights obligations. On 18 March 1986 the government of Sudan ratified the ICESCR.¹ According to the National Interim Constitution (2005), all rights and freedoms enshrined in international human rights conventions and instruments ratified by Sudan should be an integral part of the bill of rights. The citizen is the rights holder as stated in Article 7 in the constitution, which states that "citizenship shall be the basis for equal rights and duties for all Sudanese", and Article 15 which says "[t]he State shall protect motherhood and women from injustice, promote gender equality and the role of women in the family, and empower them in public life."² However, Sudan's international human rights obligations are not reflected in domestic laws, in particular in so-called public order laws,³ the Criminal Code of 1991⁴ and the Personal Status Law.⁵

Public order law is one of the socio-legal challenges facing women: the law violates the constitution as well as the country's international

1 University of Minnesota Human Rights Library. (n/d). Ratification of International Human Rights Treaties – Sudan. hrlibrary.umn.edu/research/ratification-sudan.html

2 The Interim National Constitution of the Republic of the Sudan 2005. www.refworld.org/pdfid/4ba749762.pdf

3 Project for Criminal Law Reform in Sudan. (2011). *The Draft Social Control Act, 2011, for Khartoum State: Flogging into Submission for the Public Order*. [www.redress.org/downloads/Draft%20Public%20Order%20Law%20November%202011\[1\].pdf](http://www.redress.org/downloads/Draft%20Public%20Order%20Law%20November%202011[1].pdf)

4 www.wipo.int/wipolex/en/details.jsp?id=10737

5 Abdelsalam, A. H. (2010). Sudanese Personal Status Law of 1991: A new legislation to ongoing human rights violations. *RESPECT, the Sudanese Journal for Human Rights Culture and Issues of Cultural Diversity*, November. sudan-forall.org/sections/ihitiram/pages/ihitiram-special-issue-abdelsalam/pdf_files/Abdelsalam-Hassan-Personal-Status-Law-of-1991-English.pdf

human rights obligations. This law regulates the public and private life of women based on ideological and religious beliefs that determine a set of values regarding the proper place and behaviour of women in the society. It particularly impacts on women who are marginalised, internally displaced people (IDPs), and refugee women who work as street vendors or in other informal sectors, such as producing crafts, running restaurants from their homes, and brewing alcohol. The punishment for the contravention of public order law is a fine and flogging. More than 90% of women detained by the Sudanese public order police are subjected to forms of sexual assault.⁶

Not the first and it will not be the last...

The case of Amera Osman, a women's rights activist, has attracted the attention of the international media⁷ and international human rights activists. It is a case involving the free exercise of cultural choice in a society largely oppressive to women and how the internet was used to challenge this oppression. Amera was arrested by public order police because she refused to put a scarf on her head, which is considered a crime under Article 152 of the Criminal Code of 1991, one of several public order laws in Sudan. Article 152 states: "Whoever does in a public place an indecent act or an act contrary to public morals or wears an obscene outfit or contrary to public morals or causing an annoyance to public feelings shall be punished with flogging which may not exceed 40 lashes or with fine or with both."

Amera, who is a computer engineer, used social media – Facebook, YouTube⁸ and WhatsApp – to inform the public and the world about her case while she was in detention. In an interview conducted for this report, she said: "When the public order police arrested me, the first thing I thought about was to inform my family and friends about my case and to show them the place of my detention. I posted on my Facebook page what had happened with me. I published a video on YouTube telling the activists what happened to me and calling for them to attend my court hearing".⁹ After reading her post, her friends

and lawyers went to the place where she was being detained, and paid her bail. "Many people responded to my invitation," said Amera. "At the first court session, the court hall, yard and the street around the court were full of supporters. They organised a rally after the session calling for reforming the [public order] law and abolishing my case."

The punishment in the case of Amera could be 100 lashes and/or imprisonment and a fine.¹⁰ She has insisted on challenging the injustice of the law and says she will continue her campaign to abolish the law. She also says that women's rights activists want to break the silence about discriminatory law enforcement practices and unfair trials. "The majority of the women who suffer the consequences of the law do not speak about their experiences to avoid social stigma," she said, and added: "For me this is not the first time to be punished under public order law and may not be the last."

According to human rights groups, the public order laws are arbitrarily enforced and used as a cover to oppress vulnerable groups, particularly women, who face long spells in jail for infractions such as dancing with men or operating a hair salon before the age of 35.¹¹ As in the case of Amera, many of these laws are in clear violation of the IC-ESCR. By being punished for not wishing to wear a hijab, Amera's rights to free cultural participation were violated. By being prevented from running a hair salon, the right to work is violated. Although Sudan did not ratify the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW),¹² Article 3 of the ICESCR stipulates: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant." This means that the state should respect cultural rights and treat all citizens on an equal basis, without any kind of discrimination.

No to Women's Oppression

Amera's experience has inspired a women's rights pressure group called "No to Women's Oppression" to recognise the importance of the internet to its work and to use social media and the internet to raise awareness among women street vendors (who are mostly tea and food sellers) on their economic rights, as well as to advocate for reform of the law. In particular, the group is advocating for abolishing public order laws, and also tries to help women

6 No to Women's Oppression Coalition. (2013, 7 September). A call for solidarity with Amera Osman and women living in Sudan under the terror of Sudan public order regime. *Strategic Initiative for Women in the Horn of Africa*. www.sihanet.org/news/call-solidarity-amira-osman-and-women-living-sudan-under-terror-sudan-public-order-regime

7 Mutiga, M. (2014, 2 October). Sudan's 'morality' laws used to punish women, report finds. *The Guardian*. www.theguardian.com/world/2014/oct/02/sudan-morality-laws-women-report

8 <https://www.youtube.com/watch?v=IXsZbfnCu9E> and <https://www.youtube.com/watch?v=I7r5Alx9ZqQ>

9 <https://www.youtube.com/watch?v=8RROXvfBecE>

10 No to Women's Oppression Coalition. (2013, 7 September). Op. cit.

11 Mutiga, M. (2014, 2 October). Op. cit.

12 www.un.org/womenwatch/daw/cedaw

and girls who have been punished under the laws. The group's members are active on social media and publish in local newspapers. They use the internet to reach out to those who have suffered under the law, including by distributing the phone numbers of a women lawyers group who provide legal aid, doctors who can assist survivors, and other useful services providers, such as access to credit and training.

Amel Mohammed, the founder of the group who was interviewed for this report, spoke about the group's experience in using WhatsApp to send messages to women street vendors informing them of their legal rights, as well as sharing lists of mobile phone numbers of a women lawyers association. She said, "This protects women from different kinds of human rights violations and harassment they may face if they are arrested or caught by police." She added that according to public order law, the vendors selling food and tea should wear "appropriate" clothing and follow "good conduct" and "public morality", terms which she thinks are vague and depend on the judgement of police officers and their political or ideological backgrounds.

She stressed, "The internet gives us more space to reach women working and living in remote areas, especially internally displaced women who come from conflict zones and who work in informal sectors targeted by public order police." She mentioned that according to the Public Order Act, any person who violates these conditions shall be punished by a fine and the court may confiscate their wares, which would cause them serious financial losses. Amel added: "We plan in our future programme to reach more women, train them on how to use social media, to lead debates on their human rights and their needs, and to speak freely about what happened to them, sharing their experiences with other communities who suffered similar experiences". She mentioned that the majority of women prefer communication and debate through WhatsApp groups.

Constraints and challenges

What are the challenges that women activists and organisations face in using the internet in their work, and what opportunities does it present in enabling them to realise their economic, social and cultural rights? Given that she has looked at the experience of women's organisations using the internet in their work, I asked this question to Bakhita Othman, a lecturer in the economics department at Al Iman Elhdi University in Omdurman. She is one of the founders of the Women's Economic Rights Association (*Egtisadiat*). She said: "The high cost of internet access and low level of experience in how

to use new technology, as well as a lack of knowledge on how to protect themselves from spying and hacking, are the main challenges they face." She added: "Recently most of them use smartphones, which facilitates their use of social media, including online chats and organising themselves in different social media groups." According to Bakhita, most young girls use the internet for their day-to-day communication, while middle-aged and older women face difficulties in using the internet. She said this was due to the high illiteracy rate and the burden of running a household.

There is also a lack of funding and weaknesses in networks that limit the opportunities for women's rights organisations to implement projects that encourage the women to use the internet to achieve ESCRs. They struggle to share similar and different experiences with women around the globe, to monitor human rights violations and to advocate for better living conditions. She mentioned that poverty, the armed conflict in three regions in Sudan, inequality and gender-based violence all negatively affect women and limit their opportunities to have the time to learn how to use new technology. "IDPs and poor women have fewer choices," she explained. "Either they have to spend money to cover their family's needs for shelter, food, health and education, or they have to pay the cost of internet access or to buy smartphones." She hopes that in the future women's human rights organisations and activists will develop projects to encourage women to use the internet in their daily life.

Concerning "No to Women's Oppression", Bakhita appreciated the use of the internet to reach out to those who have suffered under the penal laws, and said that it was important to build a solidarity network at the national and regional levels. It was also important, she said, to call for demonstrations and public gatherings to protest the punishments handed down by the courts, for example, in the case of a girl who was flogged repeatedly by laughing policemen.¹³ A video of the flogging was posted online.¹⁴ Using social media, "No to Women's Oppression" called for demonstrations condemning the humiliating punishment the girl was subjected to. Bakhita feels that the "No to Women's Oppression" initiative succeeds in attracting the attention of the international community, and she says this can be seen from the input during different sessions of the Human Rights Council.

¹³ Daily Mail. (2010, 14 December). Screaming woman publicly flogged by laughing policemen in shocking video from Sudan. *Mail Online*. www.dailymail.co.uk/news/article-1338479/YouTube-video-Sudan-shows-woman-flogged-laughing-policemen.html

¹⁴ ireport.cnn.com/docs/DOC-527066

Mobilising more supporters

In the two cases mentioned in this report, the internet helped activists to mobilise the public and create a sense of solidarity against oppressive laws. Networking with other women's human rights organisations around the globe, as in the case of "No to Women's Oppression", could not have happened without the internet and the social media campaigns. However, more skills are needed to organise sustainable social media campaigns. Until now it seems that activists are active only when there is a well-known case.

However, women working in informal sectors and the ordinary girls and women in the street are targeted by the public order police every day. One of the challenges that "No to Women's Oppression" faces is keeping the momentum going. Most of the group members do not have the skills to avoid censorship, such as using proxy sites to access information that is filtered or blocked by the government.

Few women and organisations in Sudan use the internet to promote their work and market their products online. Again, this is due to a low level of skills and knowledge. According to Bakhita, "More research and studies need to be done in this area to assess women's needs to develop their technical skills and knowledge."

Action steps

The following action steps can be suggested by civil society:

- The authorities should lift blanket restrictions on access to the internet. This will encourage women to broaden their means of communication, to associate online and to raise public awareness on ESCRs. Internet service providers need to look at the high cost of internet access compared to the income of Sudanese people. According to Freedom House's Freedom on the Net report for 2015,¹⁵ access to the internet has now become even more of a challenge for Sudanese people.

- A radical change in internet policies and laws is needed, rather than modifying existing laws and policies which are oppressive. Using regional and international instruments to pressure the government of Sudan to lift internet censorship and restrictions on freedom of expression by the National Intelligence Security Services (NISS) could be one of the tools to open more space and help Sudanese communities to freely use the internet to achieve ESCRs. Advancing internet rights for women, designing educational and training programmes, and conducting systematic research and studies that focus on the internet in the Sudanese context and how it can enable ESCRs are all important. Research will help to advance ESCRs and to influence government internet rights policies that promote and facilitate access to internet. It is necessary to expand internet infrastructure to the whole country, and to encourage telecommunications companies to fund computer and internet training as part of their corporate social responsibility commitments. It is also important to review the government's national strategy for building the information industry so that it reaches its goal of enabling all sectors of society to access information and media, in this way leading to the widest dissemination and utilisation of information.¹⁶
- Finally, technical and advanced women's empowerment and protection programmes and projects should be designed to build the capacities of women to use the internet for marketing purposes and to increase their income.

15 Freedom House. (2015). Freedom on the Net 2015: Sudan. https://freedomhouse.org/sites/default/files/resources/FOTN%202015_Sudan.pdf

16 Open Net Initiative Sudan- August 2009. <https://opennet.net/research/profiles/sudan>

Economic, social and cultural rights and the internet

The 45 country reports gathered here illustrate the link between the internet and economic, social and cultural rights (ESCRs). Some of the topics will be familiar to information and communications technology for development (ICT4D) activists: the right to health, education and culture; the socioeconomic empowerment of women using the internet; the inclusion of rural and indigenous communities in the information society; and the use of ICT to combat the marginalisation of local languages. Others deal with relatively new areas of exploration, such as using 3D printing technology to preserve cultural heritage, creating participatory community networks to capture an “inventory of things” that enables socioeconomic rights, crowdfunding rights, or the negative impact of algorithms on calculating social benefits. Workers’ rights receive some attention, as does the use of the internet during natural disasters.

Ten thematic reports frame the country reports. These deal both with overarching concerns when it comes to ESCRs and the internet – such as institutional frameworks and policy considerations – as well as more specific issues that impact on our rights: the legal justification for online education resources, the plight of migrant domestic workers, the use of digital databases to protect traditional knowledge from biopiracy, digital archiving, and the impact of multilateral trade deals on the international human rights framework.

The reports highlight the institutional and country-level possibilities and challenges that civil society faces in using the internet to enable ESCRs. They also suggest that in a number of instances, individuals, groups and communities are using the internet to enact their socioeconomic and cultural rights in the face of disinterest, inaction or censure by the state.

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