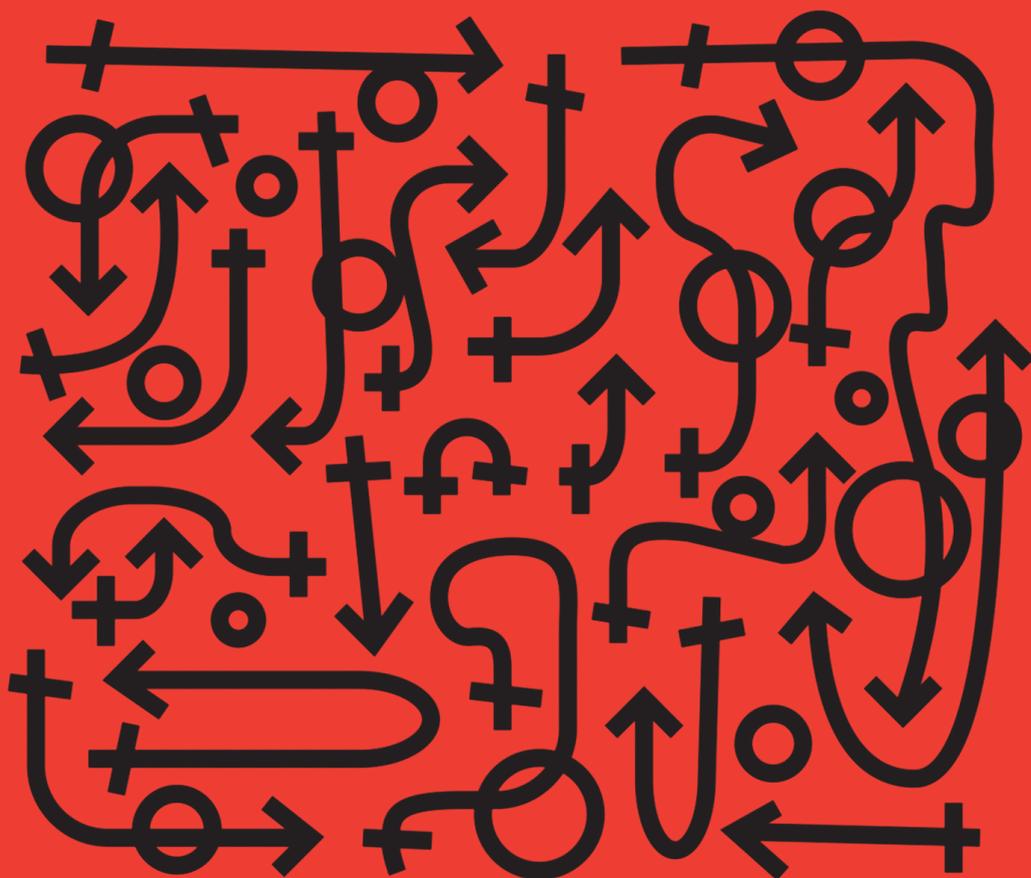


GLOBAL INFORMATION SOCIETY WATCH 2015

Sexual rights and the internet



ASSOCIATION FOR PROGRESSIVE COMMUNICATIONS (APC)
AND HUMANIST INSTITUTE FOR COOPERATION WITH DEVELOPING COUNTRIES (Hivos)

Global Information Society Watch 2015

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SUDAN

STAYING ONLINE: RESTRICTIONS AND CHALLENGES FOR SEXUAL RIGHTS ACTIVISTS IN SUDAN



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Introduction

Internet rights – which include the protection of lesbian, gay, bisexual and transgender (LGBT) privacy rights online – are one of the major concerns of human rights activists in Sudan. In a society where homosexuality is criminalised, and discussions on sexuality are taboo, the internet has become one of the ways in which the information needs of LGBT people can be met, and a place where they can connect and find a home. However, the restrictions on freely accessing information on the internet negatively affect the advocacy and online work of human rights defenders, and limit the dissemination of information on sexual rights and health and educational content concerned with these issues.

Homophobic oppression is most extreme in the Islamist states, and Sudan is no exception. According to Article 151(1) of the Criminal Act of 1991, homosexuality is an offence of “gross indecency” that is punishable by “whipping, not exceeding forty lashes” or “imprisonment, for a term not exceeding one year”. Third-time offences are punishable by death or life imprisonment. In line with this, the government regulates internet content, filters websites and prevents the free flow of information. The 2001 National Strategy for Building the Information Industry states that the internet will be filtered for content that is “morally offensive and in violation of public ethics and order.”¹ The National Telecommunications Corporation (NTC) blocks some websites deemed offensive to public morality, and prevents the use of most proxy servers. The National Intelligence Security Service (NISS) has also established a special unit to monitor online content, and to implement the government’s filtering policies. The primary target of this is pornography, but LGBT content, dating sites, and any sites publishing images of people in “provocative attire” are also subject to this censorship.

In this context, it makes it difficult for activists to stay online.

Risks and challenges faced by activists

Fatima Sedieg (not her real name) is a lawyer and one of the founders of a women’s group defending LGBT rights in Sudan called Freedom Sudan.² Since its establishment in 1995 as an underground network, it has been offering health information and support, including legal aid, to its members. The group manages to reach out to youth groups, women’s activists and university students, mostly in the capital Khartoum. Recently the group began to actively use the internet – including social media – to reach its members and to disseminate information about sexual rights and health.³ Freedom Sudan collects online information from around the world using proxies, and re-posts it using WhatsApp and Facebook. The LGBT community benefits greatly from these activities, and the work of Freedom Sudan has become well known to many people. However, the circulation of the information, which the government considers “immoral and against religion and tradition”, puts the group’s leaders at risk. Fatima, as well as others active in Freedom Sudan campaigns, faces many challenges and difficulties. Her email account and Facebook page have been hacked several times. She has received threatening messages, and her family and relatives have also been targeted. She has been forced to hide her identity on the internet and to stop her public activities defending LGBT rights. After a trial of five men in a public order court, Fatima, who acted as the men’s lawyer, received SMS death threats. The men stood accused under Article 152 of the Criminal Act of 1991, which prohibits indecent and immoral acts. Unknown people also broke into her office and stole documents which included the personal information of her clients. In an interview with Fatima for this report, she explained that “society and religious extremists considered defending the accused [to be] against society’s and religious values, so they wanted me to stop my work or to put me at risk.”

² freedomssudan.webs.com

³ <https://www.facebook.com/Freedom-Sudan-the-sudanese-LGBT-association-111198078982850/timeline>

¹ www.ntc.gov.sd/index.php/en/consumers/blocking-websites

She did not feel safe. She said she always expected bad things to happen to her. She said, “I will leave the country. I can’t stay here anymore: my life is threatened, I lost my clients and no one will come to my office anymore. I will not be able to run the office and to pay the rent.” She added, “They followed me everywhere, they read my emails, spied on my communication and insulted me on Facebook; they posted sex videos on my Facebook page.” While she understood that she was dealing with sensitive issues in taking on LGBT issues in Sudan, and expected many problems and difficulties, she did not expect the extent of the troubles and challenges she faced.

Fatima’s story is one of many stories which explain the challenges and risks which LGBT defenders face because of their work on sensitive issues in a hostile environment, and the difficult context they work in. Despite these challenges and risks, different groups, especially youth groups such as Rainbow Sudan,⁴ have been successful in using the internet to further their causes and to defend LGBT rights.⁵ Freedom Sudan’s goals are listed on its website.⁶ They include pushing for the social acceptance of LGBTs, the recognition of their human rights, and the abrogation of the death penalty for homosexuality.⁷ The group lists education as a key objective and provides counselling sessions for LGBT individuals and their families. The group became more active on the internet after August 2010, when 19 men were lashed 30 times and fined 1,000 Sudanese pounds (USD 120) each. Their offence: cross-dressing and “womanly behaviour” at a private party. The activists defending the case faced many challenges. They received abusive messages, death threats and some of their Facebook accounts were hacked.

Finding information online about sexual rights is not easy in Sudan.⁸ The government’s website filtering system divides websites into different categories, the most important of which is pornography.⁹ The other categories include websites relating to drugs, bombs, alcohol, abuse of Islam,

and gambling.¹⁰ According to an OpenNet Initiative report, “The NTC has set up a special filtering unit to screen the internet media before it reaches the users in Sudan. The NTC asserts that sites are filtered based on their content rather than their names [they use key words], and that filtering is needed to conserve the ethical and moral values of society.” The NTC stated that the unit receives requests to close certain websites, as well as requests to unblock websites blocked by mistake, on a daily basis.¹¹ This policy deprives many from accessing online information on their health and human rights, and sharing information that is useful to them. It also limits the opportunities to seek membership in the global LGBT network. Last year Sudanese officials announced that more measures to block websites would be put in place.¹²

In 2011 Sudan established a special unit called the “Cyber Jihad Unit” and installed sophisticated computer spyware to manipulate information and to spy on government opposition, journalists, human rights activists and different youth groups. According to a report published in February 2014 by The Citizen Lab,¹³ the remote control system spying software has been imported from Italy.

The number of websites blocked increases every day. Recently the authorities blocked the website of a publisher of LGBT books and confiscated hard copies of a novel written by Abdel Aziz Baraka Sakin. According to a report by the African Centre for Justice and Peace Studies, the novel “focuses on diversity in Sudanese life and culture, particularly illuminating the daily lives of marginalized and hidden groups in Sudan.” The novel, *Alango Masamir Alardh* (“Nails on the Ground”) deals with the gay community in Sudan.¹⁴

4 Stewart, C. (2014, 16 September). Rainbow Sudan seeks LGBTI rights in Sudan. *Erasing 76 Crimes*. 76crimes.com/2014/09/16/rainbow-sudan-sogi-news

5 Rainbow Sudan Project. (2014, 3 September). Gay Rights: the Rainbow Sudan Project. *Everyone*. www.everyonegroup.com/Everyone/MainPage/Entries/2014/9/3_Gay_Rights_theRainbow_Sudan_project.html

6 freedomssudan.webs.com

7 SudaneseDrima. (2010, 24 January). Sudan’s First LGBT Rights Organization? *Global Voices*. <https://globalvoices.org/2010/01/24/sudans-first-lgbt-rights-organization>

8 OpenNet Initiative (2009). *Internet Filtering in Sudan*. opennet.net/sites/opennet.net/files/ONI_Sudan_2009.pdf; <https://opennet.net/research/profiles/sudan>

9 www.ntc.gov.sd/index.php/en/consumers/blocking-websites

10 Republic of the Sudan National Telecom Corporation. (2008). Country case study: Incident management capability. Presentation at ITU Regional Cybersecurity Forum 2008, Lusaka, Zambia. www.itu.int/ITU-D/cyb/events/2008/lusaka/docs/hamed-sudan-case-study-lusaka-aug-08.pdf

11 OpenNet Initiative (2009). Op. cit.

12 Sudan Tribune. (2014, 25 March). Sudan steps up measures to block “negative” websites. *Sudan Tribune*. www.sudantribune.com/spip.php?article50432

13 Marczak, B., Guarnieri, C., Marquis-Boire, M., & Scott-Railton, J. (2014, February 17). *Mapping Hacking Team’s “Untraceable” Spyware*. The Citizen Lab. <https://citizenlab.org/2014/02/mapping-hacking-teams-untraceable-spyware>

14 African Centre for Justice and Peace Studies, & Journalists for Human Rights. (2013). *Sudan: No space for free expression*. www.acjps.org/sudan-no-space-for-free-expression

Solidarity online

Sudan's regulatory frameworks, the isolation of its society, and control over the daily life of the LGBT community and defenders have a negative impact on the LGBT community. This situation reduces the opportunities for them to be involved in decision making at different levels, to participate in politics, to share opinions and experiences, and to identify their priorities using the internet.

LGBT individuals face psychological pressure as a result of this isolation. However, they find solidarity through connecting with local and regional networks such as Freedom Sudan and Bedayaa.¹⁵ Bedayaa is an LGBT organisation based in the Nile Valley area (in Sudan and Egypt). The organisation promotes acceptance of homosexuality in both countries.¹⁶

Recently, regional and local organisations conducted several training workshops on digital security and protection. This helped activists and encouraged them to continue their work, but gaps remain. Most of the training was low profile and done in secret locations: "It is not easy. We can't do the training at the offices of any organisation. We don't want to put them at risk. Most of the time we use someone's home, or some other private venue," said Fatima. She explained to me that most of the training is conducted in the capital and other big cities, and most of their members in rural and remote areas do not participate in the training, a lack of funding being the main reason.

This kind of support and training is critical for the activists, many of whom are volunteers, working for change in their private time: "The members of Freedom Sudan have been called many things. But when they come home from universities or day jobs, they log online to continue their struggle for a cause that affects their lives every day. Freedom Sudan's website is one of the few places they can be themselves."

Action steps

Recalling Sudan's obligations under Article 19 of the International Covenant on Civil and Political Rights,¹⁷ Article 9 of the African Charter on Human and Peoples' Rights¹⁸ and Article 39 of the National Interim Constitution,¹⁹ the Sudanese government is obliged to:

- Guarantee the respect of human rights and fundamental freedoms including freedom of expression, privacy, equality and non-discrimination and sexual rights.
- Reform all discriminatory legislation which violates freedom of expression and privacy rights.
- End harassment and arbitrary detention of human rights defenders and online activists.
- Reform filtering policies that violate freedom of expression and association.

LGBT activists and human rights defenders should do the following:

- Lessen the risks and challenges that LGBT people face in Sudan through international pressure on the state to respect freedom of expression and association.
- Strengthen networking between different groups and activists at national, regional and international levels.
- Secure funding for the legal defence of human rights and LGBT rights activists.
- Build strong and effective strategies to raise public awareness on sexual rights and other human rights, including through the use of social media, staging public events, and seeking the support of community leaders to develop appropriate messages.
- Hold capacity-building workshops for LGBT rights activists focusing on digital security. In particular, funds should be raised so that activists living in rural or remote areas can participate.
- Organise online training on sexual rights and sexuality.
- Conduct further research into sexuality and sexual rights online in Sudan to understand the specific possibilities and levers for advocacy and change.

¹⁵ bedayaa.webs.com

¹⁶ www.freewebs.com/bedayaa/whoware.htm

¹⁷ www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

¹⁸ www.achpr.org/instruments/achpr

¹⁹ www.wipo.int/wipolex/en/details.jsp?id=10720

Sexual rights and the internet

The theme for this edition of Global Information Society Watch (GISWatch) is sexual rights and the online world. The eight thematic reports introduce the theme from different perspectives, including the global policy landscape for sexual rights and the internet, the privatisation of spaces for free expression and engagement, the need to create a feminist internet, how to think about children and their vulnerabilities online, and consent and pornography online.

These thematic reports frame the 57 country reports that follow. The topics of the country reports are diverse, ranging from the challenges and possibilities that the internet offers lesbian, gay, bisexual, transgender and queer (LGBTQ) communities, to the active role of religious, cultural and patriarchal establishments in suppressing sexual rights, such as same-sex marriage and the right to legal abortion, to the rights of sex workers, violence against women online, and sex education in schools. Each country report includes a list of action steps for future advocacy.

The timing of this publication is critical: many across the globe are denied their sexual rights, some facing direct persecution for their sexuality (in several countries, homosexuality is a crime). While these reports seem to indicate that the internet does help in the expression and defence of sexual rights, they also show that in some contexts this potential is under threat – whether through the active use of the internet by conservative and reactionary groups, or through threats of harassment and violence.

The reports suggest that a radical revisiting of policy, legislation and practice is needed in many contexts to protect and promote the possibilities of the internet for ensuring that sexual rights are realised all over the world.

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2015 Report

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