

# Telecommunications and the Digital Divide in Sudan



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SMEX is a nonprofit dedicated to safeguarding human rights in digital spaces across West Asia and North Africa. We advocate for safe and uncensored access to the internet, mobile services, and networked spaces for people in the region and the diaspora. Recognizing the inseparable link between digital rights and human rights, SMEX focuses on the impact of technology on fundamental freedoms.

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## Executive summary

This report examines the accountability of telecommunications companies and Internet Service Providers (ISPs) in Sudan and their role in widening the digital divide in the country, with a focus on two telecommunication operators: Zain<sup>[1]</sup> and MTN.<sup>[2]</sup>

Since the 2019 Sudanese coup d'état and during the Sudanese transitioning period to democracy (2019-2026), the Sudanese telecom companies have become more responsive to the plans of the Sudanese military junta in installing harmful technologies for online surveillance and leaking users' personal information to third parties. In addition, several activists and defenders were targeted by spying operations that recorded calls and tracked their online activities in an attempt to silence their voices. As a result of this violation of freedom of expression online, many activists stopped online activism and engagement, shrinking the Sudanese digital sphere.

The digital divide mimics the divisions usually caused by income, literacy, and social development, which telecom companies contribute to with their services, products, and policies. Therefore, to tackle accountability and social responsibility of the telecom sector, the research is divided into three categories: privacy and data protection, freedom of expression and information, and internet affordability.

Additionally, Sudanese telecom companies processed demands for censorship and network shutdowns, without being transparent with the users. In addition, the use of filtering devices, when implemented on a nationwide basis, requires significant investment in network design, deployment, and product maintenance. These human and financial resources could be allocated instead to fund building internet infrastructure in remote and rural areas to expand the network coverage in Sudan, and hence, increase the nation's internet penetration and promote equal and equitable distribution of internet services around the country. Telecom companies could also benefit from collaborating with local nonprofits that teach digital skills to local communities, distribute electronic devices, or set up computer labs in areas where people have low rates of digital literacy and help people sign up for internet benefits.

Although Sudan was [ranked as having one of the most affordable mobile internet in Africa in 2021](#), the country's telecom companies have recently doubled their subscription costs as the country is facing widespread inflation. Internet affordability remains one of the largest barriers to reliable internet accessibility, and therefore, a major cause of the digital gap in Sudan.



The Sudanese telecom companies are still falling behind in transparency and accountability, and have recently shown a higher tendency to do more harm to citizens. The telecommunications sector in Sudan needs more public pressure to shed light on the threats that telecom companies pose to human rights, especially during and post the transition period.

This research encourages Sudanese telecom companies to meet their social responsibilities in bridging the digital gap, as they should become more transparent and attentive to the needs of the local communities and less amenable to government demands.



## Objectives and Scope

This project documents the status of social accountability of telecommunication operators in Sudan and how it impacts the digital divide in the country. The research covers two telecommunications operators: Zain and MTN. The project evaluates the products and services of telecommunication operators in three categories: privacy and data protection, freedom of expression and information, and internet affordability. The research also covers the policies of financial services (FinTech) offered by MTN Sudan.

## Results and Limitations

The research was carried out by contributors from different Sudanese communities which includes activists, human rights defenders, technologists, and everyday users who have been living and using internet and mobile data in Sudan. Therefore, the contributors, as individual people, bring their own experiences, perspectives, and implicit biases to bear on their work, which can affect the universalizability of the findings. These research findings are reflective of the quality and accessibility issues that the contributors observed during a critical time in the country's history.

Additionally, the ongoing military conflict in Sudan has impacted the research in several ways. First, many activists and human rights defenders had to flee their homes and change their locations. According to the UNHCR, the deadly violence in Sudan forcibly displaced five million people inside Sudan and to neighboring countries such as Chad, Egypt, and Ethiopia.<sup>[3]</sup> Many activists have not been able to contribute to the research surveys and interviews due to barriers and exclusions that prevent them from participating politically. Second, the data collected from the surveys about some telecom companies were either inaccurate or incomplete, and therefore, the research focused only on two telecom companies: Zain and MTN. Finally, some telecom companies changed their policies and processes during the war. For example, some telecom companies have improved their operations and internet accessibility in urban areas to support the increased population of displaced people. Therefore, the research focused on the period between the 2019 Sudanese coup d'état and April 2023, right before the start of the conflict.



## Criteria Used in Assessment

This qualitative research was conducted based on data available on the Ranking Digital Rights (RDR) platform,<sup>[4]</sup> an organization that ranks the most powerful tech companies and telecommunication operators based on their disclosed commitments and policies affecting freedom of expression and privacy.

The research consisted of a series of questions designed to gain contextual insight into contributors' assessments, specifically focusing on how and why the telecommunication operators in Sudan either met or did not meet the criteria in each category. Contributors provided narrativized descriptions of their findings with concrete examples during interviews, as well as through questionnaires and surveys. The questions are listed in the tables below.



## Privacy and Data Protection

Category	Question
<b>Access to privacy policies</b>	Are the company's privacy policies easy to find? And where?
	Are the privacy policies written in language that the users can understand?
	Are the technical terms in the privacy policies clear and understandable?
<b>Changes to privacy policies</b>	Does the company clearly disclose that it directly notifies users about all changes to its privacy policies?
	Does the company clearly disclose how it will directly notify users of changes?
<b>User notification about third-party requests for user information</b>	Does the company clearly disclose that it notifies users when government entities (including courts or other judicial bodies) demand their user information?
	Does the company clearly disclose that it notifies users when they receive requests for their user information through private processes?
	Does the company clearly disclose situations when it might not notify users, including a description of the types of government demands it is prohibited by law from disclosing to users?
<b>Security oversight</b>	Does the company clearly disclose that it has systems in place to limit and monitor employee access to user information?
	Does the company clearly disclose that it has a security team that conducts security audits on the company's products and services?
	Does the company clearly disclose that it commissions third-party security audits on its products and services?
<b>Collection of user information</b>	Does the company clearly disclose what types of user information it collects?
	For each type of user information the company collects, does the company clearly disclose how it collects that user information?
	Does the company clearly disclose that it limits collection of user information to what is directly relevant and necessary to accomplish the purpose of its service?





## Freedom of Expression

Category	Question
<b>Data about government demands to restrict for content and accounts</b>	Does the company break out the number of government demands it receives by country?
	Does the company list the number of accounts affected?
	Does the company list the number of pieces of content or URLs affected?
	Does the company list the types of subject matter associated with the government demands it receives?
	Does the company list the number of government demands that come from different legal authorities?
	Does the company list the number of government demands it knowingly receives from government officials to restrict content or accounts through unofficial processes?
	Does the company list the number of government demands with which it complied?
	Does the company publish the original government demands or disclose that it provides copies to a public third-party archive?
	Does the company report this data at least once a year?
	Does the company clearly disclose how it will directly notify users of changes?
<b>Identity policy</b>	The company should not require users to verify their identity with their government-issued identification, or other forms of identification that could be connected to their offline identity.
	Does the company require users - when buying pre-paid services - to verify their identity with their government-issued identification, or with other forms of identification that could be connected to their offline identity?
<b>Network management</b>	Does the company clearly disclose a policy commitment to not prioritize, block, or delay certain types of traffic, applications, protocols, or content for reasons beyond assuring quality of service and reliability of the network?
	Does the company engage in practices, such as offering zero-rating programs, that prioritize network traffic for reasons beyond assuring quality of service and reliability of the network?



	<p>If the company does engage in network prioritization practices for reasons beyond assuring quality of service and reliability of the network, does it clearly disclose its purpose for doing so?</p>
<p><b>Network shutdown</b></p>	<p>Does the company clearly disclose the reason(s) why it may shut down service to a particular area or group of users?</p>
	<p>Does the company clearly disclose why it may restrict access to specific applications or protocols (e.g., VoIP, messaging) in a particular area or to a specific group of users?</p>
	<p>Does the company clearly disclose its process for responding to government demands to shut down a network or restrict access to a service?</p>
	<p>Does the company clearly disclose a commitment to push back on government demands to shut down a network or restrict access to a service?</p>
	<p>Does the company clearly disclose that it notifies users directly when it shuts down a network or restricts access to a service?</p>
	<p>Does the company clearly disclose the number of network shutdown demands it receives?</p>
	<p>Does the company clearly disclose the specific legal authority that makes the demands?</p>
	<p>Does the company clearly disclose the number of government demands with which it complied?</p>



## Internet affordability

Category	Question
<b>Access to information about internet packages</b>	Are the company's internet packages and plans easy to find?
	Are the company's internet packages and plans described clearly to the users?
	Does the mobile data or internet connection monthly subscription fee match what the company mentions on its website?
<b>Notification of changes</b>	Does the company clearly disclose that it directly notifies users about all changes to the prices of its packages?
	Does the company clearly disclose that it directly notifies users about introducing new packages or discontinuity of packages?
<b>Internet Coverage and accessibility</b>	Is the internet connection (bandwidth and speed) stable in the user's living area?
	Has the internet infrastructure been deployed in a way that encourages future infrastructure expansion?
	Do the current broadband adoption rates enable equitable access?
	Does the company's policies include strategies and programs to improve access and use among urban areas to ensure equitable internet access in the country?
	Does the company have in-place policies to promote free or low-cost access?
<b>Network Management</b>	Does the company compensate/reimburse the users in case of internet shutdowns, cutovers, etc?



## Zain

### About Zain Sudan

Zain Sudan was launched at the end of 1996 as the first mobile phone operator in Sudan, before it started providing its commercial activities in February 1997, first in Greater Khartoum with a GSM network, turning Sudan into the fourth country to launch mobile services in North Africa. The company was established as a joint-stock company with the shares divided between Sudan Telecommunications Company Ltd. (Sudatel) and several other shareholders including Celtel, until 2006 when it was fully acquired by the Mobile Telecommunications Company (MTC). This merger was part of a greater strategy to transform the company from a local to a regional entity, eventually becoming global.<sup>[5]</sup> Following the acquisition, Zain consolidated its position in the Middle East and Africa, becoming the leading mobile telephone operator in Sudan. Zain has always maintained its relationship with the Sudanese authorities, where the chief executives that served in leadership positions were former security officers.

### Summary of Policies Review for Zain

There are no net neutrality laws in Sudan to ensure that Zain Sudan treats all internet traffic equally, and does not discriminate and charge differently based on users, content, and applications. The company itself does not disclose a commitment to network neutrality.

The review of the policies of Zain Sudan showed the following findings:

- The privacy policies are on the website of Zain, however, participants in the study were not aware of the company's privacy and data protection policies.
- The technical terms in the privacy policies are unclear or not understandable by the users.
- Zain Sudan does not notify its users about changes to its privacy policies, nor does it disclose how it will notify its users about these changes.
- Zain Sudan conducts regular internal security audits and is generally transparent about the audit results.
- Zain Sudan discloses what type of information it collects from the users.
- Zain Sudan does not clearly disclose that it notifies users when government entities (including courts or other judicial bodies) demand their user information.
- Zain Sudan requests users to provide their government-issued identifications or other forms of identification that could be linked to their offline identity, to purchase sim cards.
- Zain Sudan does not reveal data about the number of government demands it receives to restrict content or accounts.



- Zain Sudan does not notify users when it restricts access to a specific website, application, or service (VOIP, messaging, etc).
- Zain Sudan does not notify users of internet shutdowns, nor does it disclose its process for responding to government demands to shut down a network or restrict a service.
- Zain provides access to the prices of the internet packages and services it offers. It does not, however, notify users when there are changes in the prices of its offered services.
- Zain Sudan does not compensate/reimburse its users in case of internet shutdowns and disruptions.
- Zain Sudan has in-place policies to promote free or low-cost access.
- Zain Sudan offered free services during crises, such as e-learning services for students during COVID-19.
- Zain Sudan's internet infrastructure deployment encourages future expansion.
- Zain Sudan's policies do not include strategies and programs that improve internet access and use in rural areas, and hence, the company does not promote equitable access in the country.

The review of Zain Sudan's privacy and data protection policies indicates that the policies are generally accessible and available on the company website<sup>[6], [7]</sup>. The policies are written in English and Arabic with the use of simple phrases that could be understandable by average users. However, the majority of users who contributed to this research were not aware of the existence of these policies on the website, although some of these contributors have been using the services and products of Zain Sudan for over a decade. Besides, the privacy policies lack important details such as how and when the user's informed consent will be requested (along with certain exceptions). Also, it is mentioned in the privacy policy that Zain may be required to disclose user's personal information if requested by law or in response to valid requests by public authorities (e.g. a court or a government agency) or for other legal requirements, but does not explain the process for handling such requests or whether Zain will notify the user first. In addition, Zain can share users' personal information with other service providers, business partners, and Zain's affiliates. However, the privacy policy does not explain if this can occur without the user's consent.

According to its disclosures, Zain Sudan conducts regular security audits throughout the year and practices transparency in reviewing the audit results online.<sup>[8]</sup> However, contributors revealed that some of Zain employees were selling users' personal information to third parties.

Although Zain Sudan discloses what type of information it collects from the users in the privacy policy, it does not notify users when government entities (including courts or other judicial bodies) demand their user information. In the interviews that we conducted, one activist



stated in an interview with us that he was called by the General Intelligence Service (GIS) for questioning in 2019 and 2020 noted that GIS officers informed him that the agency could collect users' information with their phone numbers because the authorities have access to their information stored by the telecommunication operators. Other activists told us that they were informed by GIS officers while in prison that their cell phones were under espionage, similar to Baha al-Din Nouri who was kidnapped, tortured, and killed by RFS in 2020.<sup>[9]</sup>

These findings indicate that Zain Sudan does not play a role in enhancing the freedom of expression in the country, which negatively impacts the online sphere. Since the 2019 Sudanese coup d'état, Zain Sudan has become more responsive to the plans of the Sudanese military junta to install harmful technologies that can intercept private email messages.<sup>[10]</sup>

The findings also show that Zain Sudan requests users to provide their government-issued identifications or passports to purchase internet and data services. This also includes the lawful interception clause in the contracts users sign with Zain which gives the authorities the right to record users' phones without evidence of criminal conduct or ongoing investigations. Restrictions on anonymity online allow the private sector to collect and compile vast amounts of personal data and increase the risks of massive privacy violations. During the interviews, several activists and human rights defenders stated that they were targeted by spying operations that recorded calls and tracked their online activities in an attempt to silence their voices, especially if they do not align with the government's views. This also caused activists, journalists, and average internet users who engaged in online activism not tolerated by the government to self-censor or halt their online engagement.

One of the main issues with the policies of Zain Sudan is that it does not notify users before internet shutdowns or when it blocks access to a specific website, application, or service (VOIP, messaging, etc), especially during protests and public unrest. Users in Sudan suffered from the negative impacts of numerous cases of internet shutdowns and website and service blockages in the covered period for reasons related to national security. During the protests that ousted the former Sudanese president Omer Al-Bashir in December 2018, Zain Sudan restricted access to social media networks and messaging platforms through virtual private networks (VPNs), for several months, to limit the activists' ability to organize and protest.<sup>[11]</sup> On October 25, 2021, the Sudanese military, led by General Abdel Fattah al-Burhan, took control of the Government of Sudan in a military coup. At least five senior government figures were initially detained. Civilian Prime Minister Abdalla Hamdok refused to declare support for the coup and on 25 October called for popular resistance, the result of which he was confined to house arrest on 26 October. A significant nationwide distribution of internet and communication services was imposed by the military to prevent the anti-coup protests and mobilization in the country. On



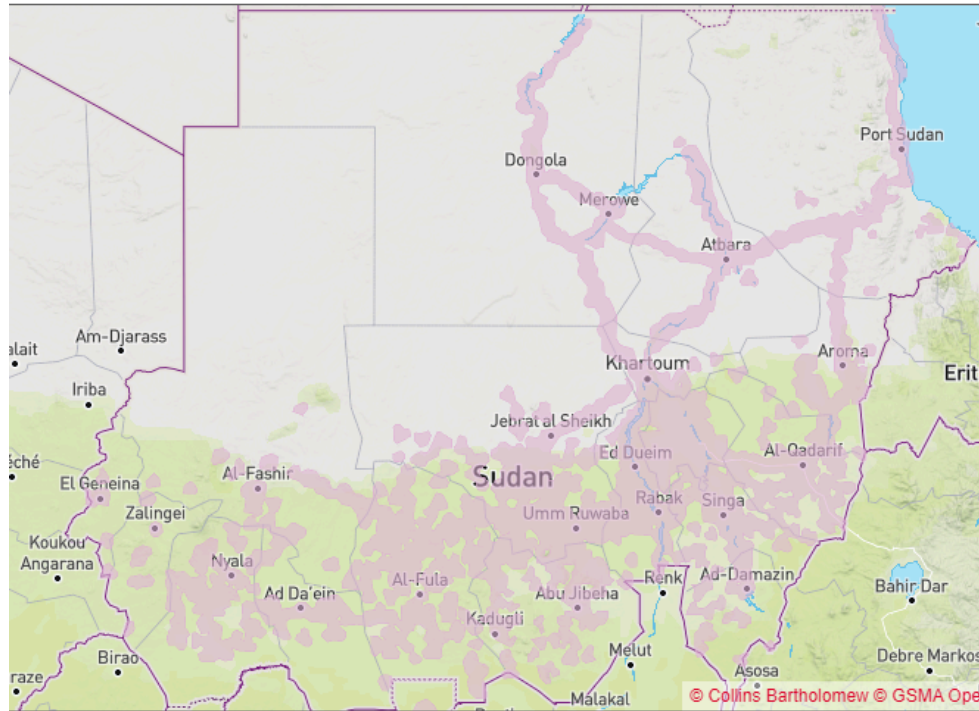
November 18, 2021, a court ordered telecom operators to restore internet service and to arrest the executive managers of Sudanese telecom operators who failed to restore internet access. <sup>[12],[13]</sup>

Over the last several years, Sudan also implemented internet shutdowns during secondary school exams in an effort to prevent cheating or leaking of exam questions. In September 2020, Zain Sudan's customers reported being notified of a planned internet disruption with the following text message: "Upon the direction of the judicial authorities, the internet connection will be suspended daily during exams for the Diploma of Secondary Education, from 8:00 am until 11 am."<sup>[14]</sup> The incident occurred again in June 2021<sup>[15]</sup> and in June 2022.<sup>[16]</sup>

Localized internet shutdowns were also previously documented. Rural areas experienced several internet shutdowns for different reasons. For example, in May 2020, mobile internet services were restricted in the Sudanese town of Kassala for three days. Activists suggested it was an attempt to maintain calm in the town after inter-tribal violence erupted in the eastern part of Sudan.<sup>[17]</sup> Also, in August 2022, all telephone and internet connections of the three providers in Sudan (Zain, Sudani, and MTN) were cut off in Kutum town and the surrounding areas in the state of North Darfur after the Rapid Support Force (RSF) committed genocide there, where they killed thousands of citizens and burned their towns. Till today, it is not clear whether these connections have been restored, according to this tweet from the Save El Geneina initiative, a voluntary youth initiative whose members provide medical assistance in the refugee settlements in Darfur and Chad.<sup>[18]</sup> This prevented the Sudanese people from knowing what happened in the town, which isolated Kutum from the rest of the country. During the interviews, several human rights activists stated that the distribution of telecom and internet services at that time should be marked as another crime against humanity because the genocide survivors were not able to contact their relatives to request help. Besides, the incident went unnoticed and was rarely discussed in the public.

The distribution of telecommunication services between the urban and rural areas of Sudan has a direct impact on the state of freedom of expression. Although about 36.2% of Sudan's population lives in cities and urban areas and 63.8% live in rural areas,<sup>[19]</sup> the rural communities in Sudan have been left behind and without access to essential services, including telecommunication infrastructure. The map below shows the network coverage of Zain Sudan in all the regions in Sudan, which mainly focused on the capital Khartoum and the main cities.





Source: GSMA <sup>[20]</sup>.

The inequity in the distribution of Zain network coverage in Sudan impacts the online engagement of the people living in rural areas. Also, according to the statements and evidence of several activists who live in rural areas in Sudan, maintenance is an issue too. Some telecom base stations in rural areas are not working because they were destroyed by armed conflicts or due to the lack of fuel, and Zain Sudan never responded to the damage reports that the users filed. All these incidents prohibit rural people from using Zain services and products daily, which decreases their ability to interact with technology, obtain information online, and express their opinions. With the internet penetration rate in Sudan standing at 30.6% in 2022, <sup>[21]</sup> and an unsteady internet connection in the rural areas, the digital divide is increasing, leaving the majority of the Sudanese population in digital darkness.

The research findings on internet affordability policies show that Zain Sudan has in place policies to promote free or low-cost access to customers. For example, Zain Sudan has been providing its users with the Flex service, which allows them to access Facebook and its messaging app, Messenger, for free. <sup>[22]</sup> However, there are no laws concerning net neutrality to ensure that telecom companies treat all internet traffic equally, and do not discriminate and charge differently based on users, content, and applications. <sup>[23]</sup> Although Sudanese telecommunications operators, such as Zain and MTN, have agreed to zero-rate the data consumed by the app to make it free, Facebook ensures that they can implement this policy as cost-effectively as possible. Each version of the app is localized, offering a slightly different set





of hundreds of sites and services. However, many of the services featured prominently on the app's homepage are created by private US companies, such as AccuWeather, BBC News, and the search engine Bing. The promotion of specific websites and services through zero-rating the data violates net neutrality because some content providers have an unfair benefit. According to research, Facebook's Free Basic service collects a huge amount of metadata relating to users' browsing activity and search behaviors, which could be valuable to the marketing of the products of private companies.<sup>[24]</sup>

The prices of internet packages and services are available and accessible on Zain Sudan website in Arabic and English.<sup>[25]</sup> Contributors confirmed that they are aware of these prices and offers. However, they confirmed that they got charged higher bills than what is stated on the website. Contributors have also revealed that the prices of Zain internet access are significantly expensive for many users in Sudan and have continued to increase from 2019 and remained stable until the beginning of 2023, as the economic crisis increased the fuel and electricity. The price of a 1 gigabyte monthly bundle offered by Zain costs \$1.10 in August 2021 and it increased to \$1.71 in January 2023 without notice.<sup>[26]</sup> Because these multiple price increases in Zain Sudan packages were not unannounced to the public properly, the users started complaining on social media, threatening to boycott Zain services.<sup>[27]</sup>

The findings of this research indicate that Zain Sudan does not reimburse users in case of internet shutdowns and cut-offs. That encouraged a lawyer from Khartoum named Abdelazim Hassan to sue Zain, his mobile provider, a week after the internet shutdown in June 2019. Hassan argued that Zain Sudan had unlawfully reneged on the terms of its contract with him, as Zain promised to provide him with internet access unconditionally, as long as he paid his bills every month. Hassan also argued that Zain had violated its own terms of service. On June 23, 2019, the Khartoum District Court ordered Zain to restore his internet service, without compensation.<sup>[28]</sup>

Zain Sudan has policies in place to promote free or low-cost access to the internet. Zain has been offering free internet access to Facebook, using Facebook Flex service, since 2017.<sup>[29],[30]</sup> This service is used by a large population as it reduces the burdens of the high prices of other internet prices and packages.<sup>[31]</sup> Zain Sudan also offered free services during crises, such as the e-learning services for students that Zain produced in October 2021 with the support of Microsoft and the UNICEF organization during COVID-19.<sup>[32]</sup> Most users who contributed to the research confirmed that these services are delivering high-quality internet access and helping many low-income users in Sudan.



Internet infrastructure consists of access and content infrastructure. The access infrastructure in Sudan includes a value chain that carries internet traffic from international locations to national points of presence and then to end-users. However, Sudan has very little fixed broadband adoption. Despite data from the 2019 GSMA Mobile Connectivity Index showing that 42% of the population has a mobile broadband connection<sup>[33]</sup> these figures are based on the total number of SIM cards, so the reported penetration rate may be inflated by individuals who have multiple SIM cards. Also, the available data suggests that most internet users have mobile subscriptions. The content infrastructure includes Internet Exchange Points (IXPs) where traffic can be exchanged on a local basis, and data centers, where content and applications can be hosted. Using local content infrastructure lowers the time needed to deliver traffic and access content, improves the quality of service, enhances the performance of local systems, and lowers costs, which in turn helps to promote internet adoption and usage. Hence IXPs serve as critical components of the global and local telecommunications infrastructure. Sudan Internet Exchange Point ([SIXP](#)) was founded in 2011 and is still active,<sup>[34]</sup> however, according to the interviews conducted, SIXP is running without maintenance, which doesn't support the local telecommunications infrastructure deployment nor encourage network expansion.

The research findings also show that Zain Sudan's policies do not include strategies and programs that improve internet access and use in rural areas, and hence, the company does not promote equitable access in the country. The electrical power sector in Sudan has been subject to poor infrastructure and experiences frequent power outages, which limits the internet service including in major cities that have been subject to periodic power rationing due to electricity price increases. Most rural areas have unsteady access to electricity or none at all.<sup>[35]</sup> This increases the digital gap between rural and urban areas.



## MTN

### About MTN Sudan

MTN Group Limited is a South African multinational and mobile telecommunications provider. Its head office is in Johannesburg, South Africa. MTN is active in over 20 countries in Africa, including Sudan. MTN Sudan is primarily foreign-owned, with 5% of the stakes previously held by a prominent businessman linked to the al-Bashir regime. Following the ousting of the al-Bashir regime, these assets were seized by the revolutions after anti-corruption investigations in April 2020.<sup>[36]</sup> The assets included shares in MTN Sudan, though the number of shares and what has happened to them since the April 2020 confiscation is unclear. However, MTN Sudan stated then that the seizure of shares would not impact its operations in the country.<sup>[37]</sup>

### Summary of Policies Review for MTN

The review of the privacy and data protection policies of MTN Sudan showed that:

- MTN Sudan is not publishing privacy and data protection policies and users are not aware of their existence.
- MTN Sudan does not disclose what type of user information it collects.
- MTN Sudan does not notify its users about changes to its privacy policies, nor does it disclose how it is going to notify them about these changes.
- MTN Sudan conducts regular security audits and is always transparent about the audit results.
- MTN Sudan does not disclose that it notifies users when government entities like courts or other judicial bodies demand their user information.
- MTN Sudan requests users to provide their government-issued identifications or other forms of identification that could be linked to their offline identity to purchase sim cards.
- MTN Sudan does not reveal data about the number of government demands it receives to restrict content or accounts.
- MTN Sudan does not notify users when it restricts access to a specific website, application, or service (VOIP, messaging, etc).
- MTN Sudan does not notify users about Internet shutdown, nor does it disclose its process for responding to government demands to shut down a network or restrict a service.
- There are no net neutrality laws to ensure that MTN Sudan treats all internet traffic equally, and does not discriminate and charge differently based on users, content, and applications. The company itself did not disclose a commitment to net neutrality.
- MTN provides access to the prices of its internet packages and services.

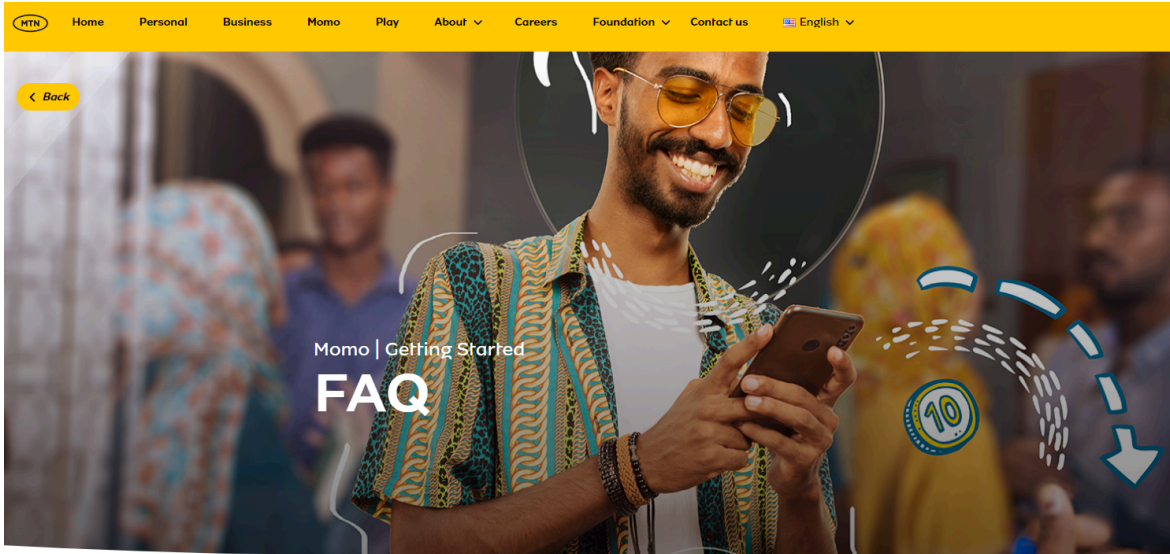


- MTN does not always notify users when there are changes in the prices of its offered services.
- MTN Sudan does not compensate/reimburse its users in cases of internet shutdowns and disruptions.
- MTN Sudan has policies in place to promote free or low-cost access.
- MTN Sudan offered free services during crises, such as e-learning services for students during COVID-19.
- MTN Sudan's internet infrastructure deployment encourages future network expansion.
- MTN Sudan's policies do not include strategies and programs that improve internet access and use in urban areas.

MTN Sudan does not display the privacy policy on its website [www.mtn.sd](http://www.mtn.sd). When the user purchases a service or a product from MTN offices in Sudan, the user does not get the privacy policy printed out. The research findings show that contributors who use MTN Sudan internet are unaware of what information is collected about them, and how that information is stored. As a result, MTN users are oblivious to their rights and privileges, and hence, they are unable to know how to protect their privacy rights and when to raise concerns and hold telecom companies accountable for privacy violations or data protection breaches. However, the privacy policy is available on the website of MTN Group [www.mtn.com](http://www.mtn.com)<sup>[38]</sup> with the privacy notice to inform the users when there are changes to the privacy policy.<sup>[39]</sup>

In 2022, MTN Sudan published the Mobile Money service<sup>[40]</sup>, an electronic payment service that enables users to pay bills and transfer money. In March 2021, MTN Group announced emulating the Mobile Money service under the supervision of its FinTech branch and founded MTN Sudan FinTech.<sup>[41]</sup> MTN Sudan webpage does not show the privacy and data protection policies to use the Mobile Money service. Instead, it shows the message below "I think the training and on-ground activation team can support." Users are unaware of what kind of data is collected by the app and whether the company shares their information with third parties. This could be critical, especially when using financial and banking services. Many users expressed their concerns about using the Mobile Money service and are still hesitating to use it.





I think Training and on ground activation team can support.

The research findings showed that MTN Sudan conducts regular security audits and has in place security measures to limit and monitor employee access to user information, but is not generally transparent about the audit results and does not show them to the public.

The findings also indicate that MTN Sudan requires users to verify their identity with their government-issued identification or other forms of identification that could be connected to their offline identity. In 2016, MTN Sudan responded to the request of the National Telecommunication Corporation (NTC) citing the General Regulations 2012 that compels mobile service providers to keep a complete record of their customer's data, which resulted in authorities enforcing mandatory SIM card registration in late 2017. Subscribers were given a deadline of December 31, 2017, to register their phone numbers using their national identity cards,<sup>[42]</sup> which included detailed personal information such as home address and birthplace. MTN Sudan took the request seriously, especially after MTN Nigeria was fined with a huge penalty by Nigeria's SIM Card Registration Law<sup>[43]</sup> for failing to disconnect 5.1 million unregistered sim cards. MTN Sudan encouraged subscribers to register their SIM cards with their government-issued identities to ensure that their services were not interrupted.<sup>[44]</sup>

The findings reveal that MTN Sudan does not disclose that it notifies users when government entities like courts or other judicial bodies demand user information. Also, MTN Sudan does not notify users when it restricts access to a specific website, application, or service (VOIP, messaging, etc), nor does it notify users of internet shutdowns. However, MTN Sudan is reported to have gentler processes and responses in the event of an internet outage. In June



2019, when a “Kill Switch” internet shutdown occurred after the government led deadly assaults on protesters, some engineers working within the telecom company, who empathized with the revolution, restarted the mobile internet service for their users.

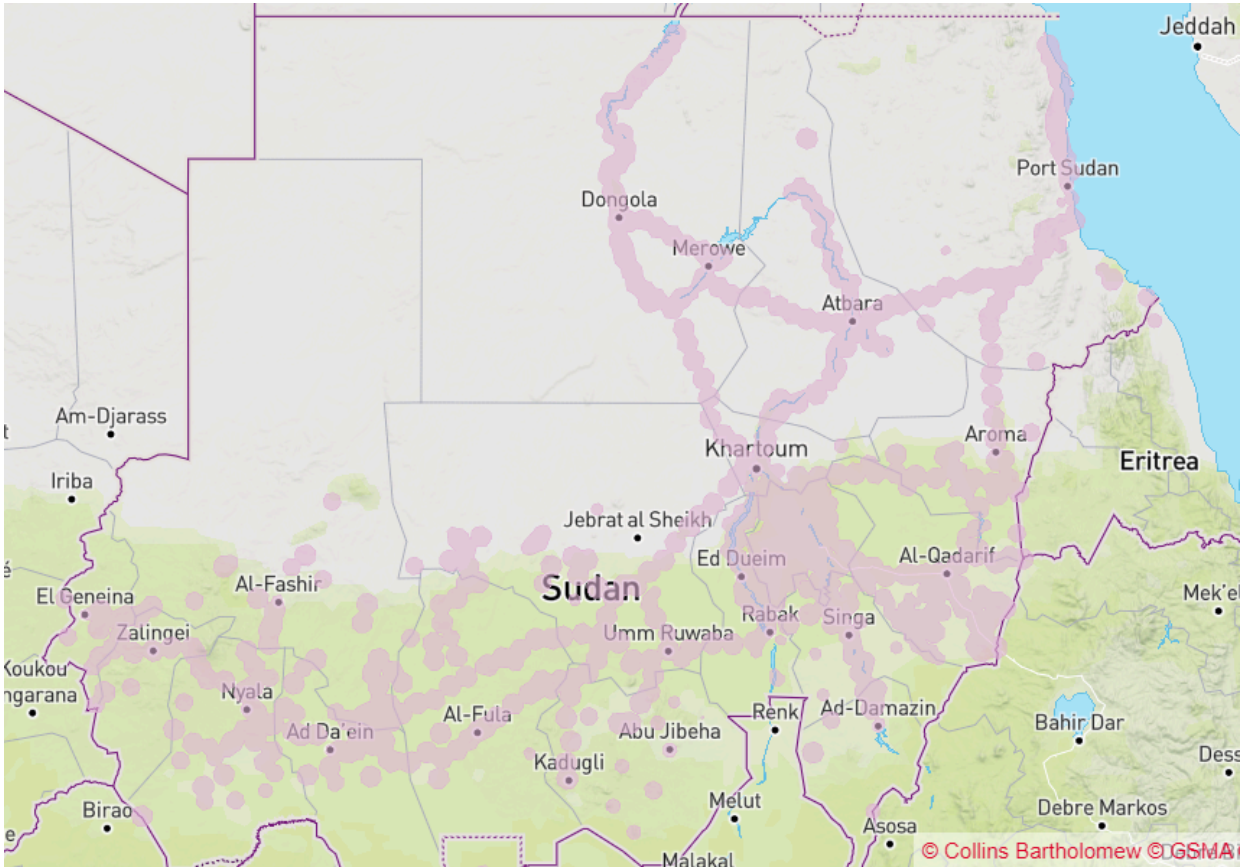
Similar to other telecom operators, MTN Sudan agreed to implement internet shutdowns during secondary school exams to prevent cheating or leaking of exam questions. The customers reported being notified of the internet disruption in September 2020, with the following text message stating: “Upon the direction of the judicial authorities, the internet connection will be suspended daily during exams for the Diploma of Secondary Education, from 8:00 am until 11 am.” The incident occurred again in June 2021 and in June 2022.

In 2019, a court ruled that MTN could be sued by its subscribers for an internet shutdown that occurred in June of the same year and ordered the company to apologize to its subscribers.<sup>[45]</sup> Internet access was disrupted in Port Sudan amid the conflicts between Bani Amer and the Nuba tribespeople in August 2019 and was recovered after several days.<sup>[46]</sup> Many contributors reported that the internet connection from MTN Sudan was the first to recover. Also, MTN Sudan has a record of apologizing on social media after suffering from internet outages that occurred due to a power shortage or general damages in base stations.<sup>[47]</sup>

The research indicates that MTN Group has been publishing an annual Transparency Report since 2020<sup>[48]</sup> that aims to provide insight into how MTN manages the governance of digital rights, privacy, and freedom of expression, for all MTN operational companies in the group including MTN Sudan. The policy is applied at the group level but is customized at the company level to align with country-specific conditions.<sup>[49]</sup> The policy is believed to enable MTN to continually improve its human rights approach, policies, and systems. Many Sudanese activists in the interviews believe that the transparency report is a great step towards openness and accountability, and could be a result of receiving the joint letter signed by digital rights organizations in 2019, calling for transparency around internet shutdowns in Sudan.<sup>[50]</sup> In the first Transparency Report in 2020, on page 11,<sup>[51]</sup> MTN Sudan explained how the internet shutdowns are being navigated constructively and how they are always alert about the impacts and risks of internet disruption in Sudan while trying to minimize the impact of disruption on customers. Although contributors indicated that MTN Sudan was always the last operator to cut the internet and the first to restore the service, the application of MTN digital human rights policy needs more work in Sudan. For example, in the [Transparency Report 2021](#), MTN explained the process of responding to government demands to shut down a network or restrict a service, with details of risks of complying or non-compliance to these service-restrictions orders, but does not necessarily explain the exact process when MTN Sudan responds to a service restriction order from the authorities.



The distribution of telecommunication services of MTN Sudan between the urban and rural areas in Sudan is another main issue. The map below shows the network coverage of MTN in all the regions in Sudan, which mainly focused on the capital Khartoum and the main cities.



Source: GSMA.<sup>[52]</sup>

The inequity in the distribution of MTN network coverage in Sudan impacts the online engagement of the people living in rural areas. According to activists, MTN Sudan network is weaker than other telecom operators' networks, making it the least favorite option to connect, even though it provides significantly cheaper offers.

The internet affordability findings show that MTN Sudan has been offering its subscribers access to Facebook's Flex service, which enables users to access Facebook and its messaging app Messenger for free.<sup>[53]</sup> However, there are no laws on net neutrality to ensure that telecom companies treat all internet traffic equally, and do not discriminate and charge differently based on users, content, and applications.



The research findings indicate that MTN Sudan displays the prices of internet packages and offers on the website in both languages Arabic and English.<sup>[54]</sup> However, the contributors expressed their unawareness of this information and that they usually know about the offers from the broadcasted ads on TV or via SMS. Also, contributors confirmed that the prices of the internet packages are similar to what they are charged with.

The findings also show that the prices of MTN internet services are significantly expensive for many users in Sudan and have continued to increase from 2019 till the beginning of 2023, as the economic crisis increased the prices of fuel and electricity. However, MTN Sudan does not notify users when there are changes in the prices of its offered services. The price of a 1 gigabyte monthly bundle offered by MTN was \$0.63<sup>[55]</sup> in August 2021 and it increased to \$1.97 in January 2023 while most of these increases occurred without any notification.<sup>[56]</sup> These multiple price increases of MTN Sudan packages led to complaints on social media, with users threatening to boycott MTN services as the company does not provide adequate services in return.<sup>[57]</sup>

MTN Sudan does not reimburse users in case of internet shutdowns and disruptions. Over the last few years, the internet was cut for long periods due to protests and public unrest, for 37 days and 24 days in 2019 and 2021 respectively, and customers confirmed that they did not receive any compensation from MTN Sudan for these disruptions. Though internet infrastructure is generally equipped with backup generators to mitigate internet disruptions, they do not always work. That led to several internet outages in January 2021 due to limited or no electricity power, such as the internet outage that occurred in several towns in the Darfur and Kordofan states for over a week where towns remained in total digital darkness.<sup>[58]</sup> Regardless of the reason for internet disruption, MTN Sudan's service agreement does not state what the provider should do in the event of an outage and whether the customer would be entitled to compensation for the cost of a day of service for each product.

The research findings show that MTN Sudan has in place policies to promote free or low-cost access to the internet. MTN has been offering free internet access to Facebook, using Facebook Flex service, since 2017.<sup>[59]</sup> A large population uses this service as it reduces the burdens of the high prices of other internet prices and packages. Also, MTN Sudan offered free services during the crisis, such as the e-learning services in October 2021 with the support of Microsoft and the UNICEF organization during COVID-19.<sup>[60]</sup> Most users who contributed to the research confirmed that these services are delivering high-quality internet access and helping many low-income users in Sudan.





Finally, MTN Sudan has a corporate social responsibility program “Y’ello Care” that provides services to local communities in Sudan in different fields, such as empowering women, supporting disadvantaged schools, and teaching digital skills to adults and youth.<sup>[61]</sup>

## Recommendations

### 1. Access to the Privacy Policy

Telecommunication companies should develop and publish a privacy policy that indicates how and why the company will collect, use, and disclose user information. It would be a good practice if the companies review the privacy policy with their customers when they purchase a new service or product. Additionally, all policies should be available in Arabic. In 2005, a new language policy came into being as part of the Comprehensive Peace Agreement (CPA) signed by the North and South of Sudan. The language issue was included in one of the protocols entitled power sharing. Five important statements addressing the language problem have stipulated that Arabic is Sudan's widely spoken national language.<sup>[62],[63]</sup> The privacy policy should also be written in clear language, using less technical terms, so that the average user would understand it.

### 2. Changes to Privacy Policies

In case of changes to privacy policies, telecommunication companies should make reasonable attempts to notify users by including a notice in their bill, sending them an email, a text message, or other means. Users should be aware of how they will be notified about all the changes to privacy policies and how often they should expect the change.

### 3. User notification about third-party requests for user information

In July 2020, the Transitional Sovereignty Council amended the 2010 National Security Law. Article 25 of the law previously granted the national security authorities broad powers to surveil, interrogate, and arrest people in Sudan. While the amendments included several important reforms, Article 25 of the amended law still grants the intelligent services “the right to request information, data, documents or things from any person and view or keep them.”<sup>[64]</sup> These types of amendments give the authorities the right to lawfully violate a citizen’s privacy without asking for permission.

Telecommunication companies must practice transparency and be fully accountable for users’ personal information. While Sudan is going through war, public unrest, and a critical transition period, authorities allegedly commit human rights violations and user privacy invasions that have gone unnoticed due to the lack of documentation. Therefore, companies should disclose if they will notify users when government entities (including courts or other judicial bodies) demand user information.



#### **4. Security oversight**

Internal security audits are good practice to ensure that the company has a system in place to limit and monitor employee access to user information. Moreover, it is important to publish the findings of these audits in public reports.

#### **5. Collection of user information**

Telecommunication companies should provide a detailed description of the collection, use, and disclosure of user personal information. The privacy policy must disclose what types of user information they collect, how information is collected if the information collected is going to be shared with any third parties, and how the collected information is going to be used.

#### **6. Identity policy**

Telecommunication companies should respect users' privacy and never request users to provide their government-issued identifications or other forms of identification that could be linked to their offline identity, to purchase prepaid SIM cards and services. The ability to communicate anonymously is essential to freedom of expression both online and offline, as stated in Article 19 of the Universal Declaration of Human Rights. Anonymity is also linked to the right to privacy, as users cannot have a reasonable expectation that their privacy is being protected without the ability to control what information is shared about them and how that information is used.

#### **7. Process to respond to government demands to restrict content or account**

Telecommunication companies are expected to publicly disclose their processes for responding to different types of government demands to restrict, filter, or remove any content or account online. Companies are also expected to commit to their users and support their freedom of expression, and push back on any broad demands.

#### **8. Network Management**

Telecommunication operators must notify users when they block access to a specific website, application, or service. Restricting access to social media platforms, media websites, and VPN platforms must be announced publicly to users so they can be aware of what to expect.

#### **9. Network Shutdowns**

Authorities are increasingly ordering telecommunications operators in Sudan to shut down their networks, which puts pressure on these companies to take actions that violate human rights. Telecom operators are expected to fully disclose to the public the conditions under which they might take such actions, and report on the demands they receive. They are also



expected to commit to the users' privacy and push back on these demands and mitigate their impacts.

## **10. Net Neutrality**

Net neutrality is the principle that ISPs and telecommunication operators treat all internet traffic equally, and do not discriminate and charge differently based on users, content, or application. Net neutrality keeps the internet open and free, enabling users to share and access information without interference from telecommunications companies. Sudan does not have a law dedicated to net neutrality. Still, the 2018 Telecommunications and Postal Regulation Act has indirectly addressed this issue.<sup>[65]</sup> Article 38 (b) and (c) of the act prohibits setting prices that discriminate between users and discounts that limit competition.<sup>[66]</sup> However, the Act should have a clear law that criminalizes the violation of net neutrality by telecommunication operators in Sudan. While it could be challenging for telecommunication operators to respect net neutrality in the absence of regulations from authorities, telecommunication operators should not engage in any discriminatory treatment of internet traffic, avoid filtering traffic, and treat all internet traffic equally.

## **11. Prices of Services and Products**

The prices of internet packages and services should be accessible to users. Telecommunications companies should also notify users when there are changes in the prices of their offered services. Internet prices are considered expensive and unaffordable for most citizens, and therefore, the government and regulators should create policies to control internet prices and address the digital divide.

## **12. Reimbursement of Users for Network Shutdown**

The Telecommunications and Post Regulatory Authority in Sudan does not have clear policies that obligate telecommunications companies to compensate users in case of internet shutdowns. Regardless of the reason for the internet shutdown, all users must receive additional packages on internet bundles as compensation.

## **13. Infrastructure deployment**

The deployment of telecommunication infrastructure should encourage future network expansion. Moreover, Sudan does not yet have a law dedicated to repairing the telecommunications infrastructure in war zones. The ongoing conflict and war in Sudan have significantly impacted the country's telecoms infrastructure, disrupting vital communication services. In response to such crises, there is an increasing need for alternative and resilient communication methods, such as building resilient networks or investing in cloud deployments.

