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Telecoms & the protection of human rights - Update

Introduction

Just over a year ago, Vodafone, Mobinil (a division of France Telecom) and Etisalat complied with an order of the now ousted Mubarak government to shut down their mobile and internet networks in Egypt. As a result of the human cost of this communications blackout at a moment of national crisis, the telecoms companies faced a reputational backlash. These events highlighted a new risk for telecoms operating in politically unstable regimes - the risk of being unwillingly complicit in human rights abuses.

In July 2011, Brett Solomon, Executive Director of the NGO Access (AccessNow.org) attended the Vodafone AGM in London with a representative of FairPensions. Brett asked Vodafone to take steps to ensure that it would be better prepared if a similar situation arose again. Access presented an action plan for telecoms companies to implement to ensure the protection of human rights. To coincide with the AGM FairPensions issued an investor briefing highlighting the risks for investors in telecoms companies and setting out Access' action plan which was featured in the Guardian, the Evening Standard and the Financial Times.

In the intervening months Access, together with FairPensions, has continued to engage with stakeholders including human rights groups in Egypt, investors, and telecoms companies and has revised its action plan accordingly. The telecoms industry has also acknowledged the pressing need to demonstrate that lessons have been learned from Egypt and to develop improved human rights protection procedures.

This briefing provides investors with an update on actions being taken by the telecoms industry and the further actions required. It also sets out Access’ revised Telco Action Plan. Finally we propose suggestions for investor engagement with telecoms.

Industry Reaction

On 14 November 2011 at a meeting on internet freedom with the Swedish Trade Minister, several representatives from the telecoms industry announced that an industry dialogue would be taking place on the problem posed by operating in non-democratic states and how to respond to requests from governments more generally. Following discussions with a number of telecoms we believe this initiative reflects a genuine recognition by the industry of the need to develop best practice procedures.

The first in-person meeting of the Industry Dialogue took place in Madrid on 7 March 2012 and was attended by 10 telecoms. It is expected that the Industry Dialogue will present at the Stockholm Internet Forum on Internet Freedom for Global Development on 18 and 19 April, 2012. It is our expectation that this event will see the Industry Dialogue release an industry statement or a draft set of principles setting out how telecoms intend to operate in challenging environments.
To date, this dialogue has been restricted to industry participants. Multi-stakeholder participation is vital to ensure acceptance and suitability of any industry standards developed through this process. Access and FairPensions believe that ultimately this process should take place through the Global Network Initiative (GNI), to which all telecoms should become members. Until such time, the Industry Dialogue must engage actively with external stakeholders in civil society and government to ensure it develops a robust and legitimate framework.

**Investor Engagement**

We would encourage investors to engage with telecoms to:

- incorporate the TAP principles into their policy and procedures;
- ensure that their operations limit reputational, financial, and legal risk by applying human rights standards as set out in the TAP;
- ensure that the Industry Dialogue be extended to include other stakeholders including investors, NGOs, governments and academics and that any set of principles issued by the industry be open to consultation and feedback from such stakeholders; and
- encourage them to join the GNI where they will be supported by

**Investor conference call**

Access and FairPensions will be hosting a conference call for investors interested in learning more about this issue. If you are interested in participating on this call please email louise.rouse@fairpensions.org.uk

**Further information:**

We encourage investors to contact Access and/or FairPensions for further information.

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