Telenor faces risks from Thai junta censorship

Norway-based operator Telenor is the majority shareholder of DTAC, the second largest mobile communications provider in Thailand. Following the Thai Military’s takeover on 22 May 2014, there has been a crackdown on free expression online and offline, with at least 219 websites blocked.

Telenor acknowledged DTAC facilitated a shutdown of Facebook on March 27th on request of the National Broadcasting and Telecommunications Commission of Thailand. The military junta has indicated it will continue pressuring domestic and foreign companies to facilitate the crackdown.

Thai Ministry of Information and Communication Technology (MICT) Permanent Secretary Surachai Srisarakam recently stated the Ministry plans to increase internet surveillance, its ability to regulate content on websites, and to address “provocative” content online, by establishing a new internet gateway - essentially a chokepoint for online content.

This gateway will enable both blanket censorship and greater surveillance online. The same technology will stifle freedom of expression and violate user privacy, leading to more egregious human rights violations.

Such human rights violations create risks of negative reputational and business impacts for telcos such as DTAC and Telenor in Thailand and throughout the region.

 Freedoms and rights at risk

Ensuring free and open access to the internet, especially in times of national crises, is critical to protecting key human rights, such as freedom of expression, thought, and association. These rights were guaranteed in the 1997 Constitution of Thailand and continue in part in the 2007 Constitution.

 Telenor’s risks

By blocking, censoring, or otherwise restricting user access to legitimate online content, Telenor and its subsidiary company DTAC risks contributing to human rights violations, putting its users in harm’s way, and contravening the company’s commitments to respect human rights. Implementing the new internet gateway will enable more government spying online. Evidence shows that increased surveillance leads to invasion of privacy, and can result in ‘knock-on effects' like arbitrary detention and torture.
In this case, Telenor faces the following potential risks:

- **Reputational harm:** Cooperation with the junta could harm the reputation of the company, and negatively affect its valuation.
- **Loss of business:** Users in Thailand may seek alternatives to DTAC services if they feel their communication is not secure, impacting revenue.
- **Risk to personnel:** Telenor personnel could be put at risk if the company does not take effective steps to insulate them from authorities.
- **Regional impact:** Other countries in the region, including Myanmar where Telenor recently won an operating license, may follow the example of the Thai junta and interfere with telecom and internet communications.

**Recommended investor actions**

Access recommends investors immediately engage with Telenor to ensure it is adequately assessing and managing these risks and ensuring protection for fundamental human rights.

**Questions for Telenor:**

1. What steps are you taking to resist any requests from the Thai military to block, filter, and surveil content, so as to ensure compliance with the Telenor Group Human Rights Principles?
2. What steps are you taking to protect staff, while also preventing any further complicity in unlawful restrictions?
3. How is the company making users aware of the threats to their rights, including actions such as issuing public statements, customer alerts, and direct outreach to civil society?
4. The Thai MICT has spoken about installing a new gateway that would centralize the flow of information on Thailand’s internet. Will you conduct a human rights impact assessment on this proposal? If not, why not? If so, what is your timetable for implementing its findings?

*Further guidance is available in the Access Telco Action Plan and Telco Remedy Plan.*

**For More Information**

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