



28 January 2013

Attention: To the CEOs of *Alcatel-Lucent, AT&T, BT, France Telecom-Orange, Millicom, Nokia Siemens Networks, Tele2, Telefonica, TeliaSonera, Telenor, and Vodafone.*

Dear Industry Dialogue members

Two years have passed since the world recognized the vast new power that telcos hold over our internet and mobile communications. In late Jan. 2011, Egyptian telecommunications providers shut down mobile network service and internet service providers, endangering the lives and livelihoods of Egyptian citizens. The Egyptian 'blackout' shocked the world--and exposed the powerful role that telcos play as the gatekeepers to their users' human rights.

In the aftermath of that event, the Industry Dialogue was formed, to provide principled guidance to the telecom industry and as a statement of expectations to governments that would request restrictions on user rights, particularly privacy and freedom of expression. We have looked to you, as collective leaders of the mobile telecom industry, to confront the new responsibilities that accompany your innovative products and services.

Major privacy audits, new policies and training procedures, and some consultations with civil society have extended the dialogue on human rights and telecommunications. But real change has come in fits and starts. Reports of telcos facilitating surveillance continue to grow, massive network shutdowns still occur, millions of law enforcement requests for user data go unreported, and abusive state security forces gain access to the very networks telcos operate.

Whether they are rightly or wrongly accused of complicity in what are often government-led operations, telcos lack a consistent, industry-wide approach to the immense pressures they face in many different regions.

From the beginning the Industry Dialogue process has been beset by shortcomings, including a lack of structured input from civil society. The timeline has not been public--and when commitments have been made, they have not been kept. Several statements announced that by the end of 2012, the Guiding Principles would be issued, the Dialogue would find a 'permanent' home, and that 'regular updates' would be provided on progress made. Lacking even a website, your group has not made any public impact beyond sporadic press releases.

The Dialogue has had two years to improve policies and operations, but results have failed to inspire confidence that the industry will respect the human rights of its more than 6 billion



subscribers. The slow pace of the Industry Dialogue stands in stark contrast with the quick, border-leaping expansion of international telcos, even into conflicted regions lacking rule of law.

While we note some positive developments in many of the member companies in terms of human rights policies and practices, as well as the legitimate difficulties posed by inter-company negotiations, there has been inadequate progress across the board. We have communicated these concerns to you on a number of occasions, and we now feel it necessary to publicly issue the following clear requests:

1. Regularly update the public on progress of the Industry Dialogue. [TeliaSonera's June 2012 press release](#) promised these "regular up-dates on progress of the Industry Dialogue," but they have not been forthcoming, either from the company or the Industry Dialogue itself.
2. Create a transparent mechanism for genuine and inclusive participation from relevant stakeholders, particularly civil society and the investor community, in line with cross-sector best practices in managing human rights impacts.
3. Issue an update on the status of the search for a permanent 'home' for the Industry Dialogue and finalize the selection, in line with Access' recommended guidelines. According to your [July 2012 press release](#), the Dialogue has sought a host organization since its inception, and letters of inquiry were sent to five candidates: GeSI, GNI, GSMA, ITU, and UNGC. One was to be chosen by the end of the year. Access and our partners issued an independent assessment of these five organizations in September 2012. Aside from private reports, the Industry Dialogue has released no public comment on the status of negotiations with these five organizations.
4. Open the draft Guiding Principles, in their current form, for comment, and resume the development of the Principles concurrently with the process of selecting a permanent 'home.' The Industry Dialogue privately provided Access a set of Draft Guiding Principles in April 2012. Access [responded with comments](#) the following month. Per TeliaSonera's [June press release](#), the Industry Dialogue had a full-day meeting on June 8th, "to finalise the draft guiding principles." However, those Principles appear to be put on hold these past six months until a host organization was chosen. An opportunity for the Guiding Principles to have been enhanced by open comment and consultation from a wide variety of stakeholders has to date been lost.
5. In addition to the coalition's work, each individual member company of the Industry Dialogue should continue to develop and publish its own human rights policies and procedures, in recognition of the UN Guiding Principles on Business and Human Rights. These principles affirm that corporations are obliged to 'know and show' their respect for human rights and to provide access to effective remedy for violations. To aid this effort, Access created the [Telco](#)



[Action Plan](#), a set of principles and implementation objectives, which it has shared with to each Industry Dialogue member company. The Plan directs telcos to “conduct due diligence on the human rights-related risks associated with their operations, in consultation with local and international stakeholders,” and to integrate the findings of these studies into their operations. These human rights impact assessments, their implementation, and the development of internal human rights expertise cannot wait for the Industry Dialogue: users are put at risk daily for their communications and expression.

We hope that you take this letter as a testament to the very real risks faced by users around the world, the need for your concerted action now, and our genuine interest and commitment in supporting your efforts, individually and collectively, to grapple with the vast new possibilities and pitfalls of digital communications.

We look forward to your response to this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Brett Solomon".

Brett Solomon
Executive Director
Access | AccessNow.org

For more information, contact Access' Policy Counsel Peter Micek at peter@accessnow.org or contact Access at +1 888 414 0100