

29 September 2020

Ralph Mupita

Chief Executive Officer, MTN Group
Limited Innovation Centre,
216 14th Avenue Fairland, 2195
Johannesburg, South Africa,

Dear Mr. Mupita,

Congratulations on your new appointment as MTN's Chief Executive Officer. The undersigned civil society organizations, who work at the intersection of human rights, technology, and democratic governance, write to welcome you into this important role, invite you into dialogue with our community, and provide guidance on how telcos like MTN can better respect the human rights of their users.

As the new Chief Executive Officer of MTN, this is a tremendous opportunity for you to further MTN's position as a global leader on a number of fronts across 20 markets in Africa and the MENA region serving well over 220 million subscribers. We welcome that already, in your statement announcing your appointment as Chief Executive Officer, you referenced the capacity of MTN to "play an important and leading role in digital and financial inclusion of the African continent, working with our stakeholders and partners." MTN set out a strong public position in support of the "rights of all people to communicate, access, and share information freely and responsibly, and to enjoy privacy and security regarding their data and their use of digital communications." We commend the commitments that MTN has already made and are looking forward to seeing these initiatives grow, under your leadership. Your products and services are essential to rebuilding economies and keeping people safe amidst the COVID-19 pandemic.

We would, however, like to draw your attention to areas where MTN has not met its commitments under international human rights standards, including the African Declaration on Internet Rights and Freedoms, and where significant challenges remain. First, we bring your attention to MTN's poor record of disclosures affecting the human rights of millions of MTN users. According to the 2019 Ranking Digital Rights (RDR) Corporate Accountability Index, MTN ranked eighth out of the 12 telecommunications companies based on an evaluation of its disclosed policies for its prepaid and postpaid mobile services and fixed-line broadband service in South Africa. Although MTN has openly committed to improving its performance in the RDR Index, its scores were particularly poor on the company's policies relating to rights to freedom of expression and privacy and continue to indicate a lack of commitment to transparency and human rights.

Second, MTN continues to struggle with ensuring customer privacy and handling internet shutdown orders. The company lacks transparency around the data it collects, period of retention of the data, and data access to third-parties. In respect of internet shutdowns, MTN's subsidiaries were involved in at least eight internet shutdowns in 2019, according to Access Now's and #KeepItOn coalition data. In

particular, MTN has still not sufficiently disclosed its policies for handling orders by governments for network shutdowns—a necessity, given its wide subscriber base. Any shutting down or blocking of access to the internet in general constitutes a direct interference with not only the right to freedom of expression, but also other rights, including that of freedom of association and assembly.

We understand the challenges associated with alignment of Group-level commitments at the country level for telecommunications companies. These are often compounded by competing demands of regulators or non-state actors that may conflict with human rights. In other instances, determining a balance of resilience and growth are issues that vex actors across the sector. However, best practices can emerge if private companies ensure that their value statements are backed by binding contractual provisions and licenses, empowered cross-functional human rights teams, and staff trained to identify and mitigate potential risks before they bloom. These practices have helped companies in your sector rise to meet the challenges of ensuring respect for human rights across their business practices. MTN can do the same.

We believe that more inclusive engagement by companies enables them to efficiently prevent harms to human rights that arise from their business practice and maximize benefits to even the most marginalized and vulnerable communities. However, Mr. Mupita, despite numerous civil society organizations' attempts to engage with MTN on human rights issues involving MTN's business across the world and particularly in Africa, these engagements have often received no response or acknowledgement. We view the representation of MTN at convenings such as the UN Forum on Business and Human Rights as a positive step. Yet, given your widespread presence and the importance of your products and services to our communities, more robust engagement is both possible and necessary if we are to advance human rights and reach the Sustainable Development Goals at the dawn of the digital age.

We see your appointment to this office as an opportunity to improve MTN's commitment to protecting the digital rights of its customers. You can use this mandate to strengthen this relationship and ultimately boost MTN's transparency and accountability business practices. We believe that transparency will ensure user trust as the company demonstrates respect for the rights of users. At the same time, investor confidence would grow, as investors usually rely on disclosures to verify good business practices.

As you take on the role of Chief Executive Officer – during a global pandemic and increasing shifts towards mass digitization – we encourage you and the relevant staff within MTN to adopt four key recommendations. This new chapter for MTN under your leadership presents an opportunity for you to further distinguish your company from others in this sector, and develop the telecom landscape in Africa.

- Publish regular transparency reports concerning policies on and actions taken in response to external requests, as well as proactive terms-of-service enforcement. These include transparency reports about:

- The volume and nature of content, accounts, and services that are restricted, blocked, or removed; and
 - The number of requests for network shutdowns made by governments and your response rates.
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- Clearly disclose MTN's policies for handling government orders to shut down or degrade networks, and other external requests to restrict access to content or accounts.
 - Provide greater disclosure about the policies and practices of MTN that affect users' privacy. This is achieved by clear and accessible privacy policies, as well as further transparency regarding the collection and handling of user information, the management of government and other third-party requests for user information, and any security policies to safeguard users' data.
 - Expand partnerships and engagement with civil society stakeholders. Several measures include: joining the Global Network Initiative as an observer; engaging with Ranking Digital Rights throughout the RDR Corporate Accountability Index research cycle; participating in Digital Rights and Inclusion Forum (DRIF), Forum for Internet Freedom in Africa (FIFAfrica), RightsCon, and similar summit events; convening advisory councils on thematic or regional issues, including at the country level; and collaborating with the digital rights community in our work to defend human rights in the digital age.

We eagerly await your response and look forward to connecting virtually soon, at your convenience.

Sincerely,

Access Now

Article 19

African Declaration on Internet Rights and Freedoms Coalition

Association for Progressive Communications (APC)

Center for Human Rights in Iran

Centre for Human Rights, University of Pretoria

Collaboration on International ICT Policy for East and Southern Africa (CIPESA)

Paradigm Initiative (PIN)

Ranking Digital Rights

The B Team