



EPS/BD/Group CSR/2013.14

HUMAN RIGHTS WATCH
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Paris, June 4, 2013

Cc : Mrs Cynthia Wong, Senior Researcher on the Internet - HRW
Stephane Richard, CEO France Telecom Group

Dear Mr. Ganesan,

We welcome your letter of the 3rd May 2013 to Stephane Richard CEO of the France Telecom Orange Group, we saw also with satisfaction your website. Stephane Richard asked me to respond on behalf of him, I am pleased to confirm my first elements of discussion, I had with Cynthia Wong the 21st June, in Stockholm.

The Orange Group has an active policy on the protection and promotion of human rights. In addition to our respect for a wide range of commitments (Universal Declaration of Human Rights, UNI, Mobile Alliance Against Child Sexual Abuse Content, CEO Coalition), the events of the Arab Spring have led us to reinforce our approach to freedom of expression.

To further these goals, Orange has joined forces with other international telecoms players to found the "Telecommunication Industry Dialogue".

Point 1: Impact assessment

We believe that improving communications network development is a key condition for socio-economic growth in the Republic of the Union of Myanmar.

As you highlighted, potential negative impacts do exist, and our proposal details our Human Rights policy framework.

At this stage, we would like to emphasize the quality of the tender process for the assignment of the 2 new licenses, which complied with professional and international standards (transparency, equal treatment of competitors, and independence of the tender committee).

Our proposal includes a CSR section and describes our "Group ethics code of conduct". A dedicated index focusing on Myanmar is also provided, in line with the special care which the situation in the country demands.

Point 2: Industry Dialogue commitments

The Telecommunications Industry Dialogue is a group of global telecommunications operators and vendors who have been meeting since 2011 to discuss freedom of expression and privacy rights in the telecommunications sector in the context of the UN Guiding Principles on Business and Human Rights. The companies that are currently participating in the industry dialogue are: Alcatel-Lucent, France Telecom-Orange, Millicom, Nokia Siemens Networks, Telefonica, Telenor, TeliaSonera, and Vodafone. These companies have a global footprint, providing services and equipment to consumers, businesses, and governments worldwide.

"Telecommunications play an essential role facilitating the free flow of information, and today the human rights and economic impacts of the sector are in the global spotlight," said GNI Executive Director Susan Morgan. "The GNI believes that strength lies in numbers and this is an important opportunity to pursue shared goals and a common approach to human rights."

The Industry Dialogue has developed a set of Guiding Principles on telecommunications and freedom of expression and privacy, which will form the beginning of a more extensive external dialogue with key stakeholders. The Industry Dialogue remains open to other telecommunications companies committed to advancing freedom of expression and privacy rights in the sector.

As you well know, the telecommunications companies are not joining GNI as part of this collaboration. There is a review process built into the work that will assess progress during the two years.

If I may, as you declared : "This is a positive step from some of the world's largest companies providing communications and Internet access to consumers around the world and we hope that this effort will lead to full implementation of human rights standards through membership in GNI. This is an opportunity for GNI to learn from telecom companies about the complex human rights challenges they face and for them to learn from GNI about how they can develop an accountable system to safeguard human rights."

Point 3: Strategies to mitigate HR risk before entering the market

During the tender process, dialogue with government institutions is extremely complicated, and is in fact forbidden for several entities which are key with regard to these issues. As you noted, issues such as how and in which cases communications will be controlled are key elements which must be discussed with the government. If we are selected, we will take part in these discussions with the aim of achieving our normal standards.

Point 4: Request for censorship and illegal surveillance

With regard to government requests to intercept communications, we have been asked to specify the process we will use to fulfill these requests, and particularly to specify the measures required to respect the requested level of confidentiality.

We will strictly respect all the Industry Dialog principles, with the limit of ensuring protection of our employees' health and safety.

Point 5: Request for Network Shutdown

In addition to promoting our commitments as a member of the "Industry Dialogue," we intend to commission an impact assessment for each country from an external expert (Danish Institute, etc.). We welcome your initiative of publishing expectations for governments, and hope that they will be taken into account in the licenses.

We are also seeking a suitable and extremely rapid system for informing citizens and NGOs each time when we receive a shutdown or equivalent order.

Point 6: Ongoing assessment and due diligence

We will comply with the "industry principles" and the methods laid out in the "stakeholder dialogue."

Point 7: Vetting potential Business Partners

We have put in place a holistic policy on potential business or financial partners; this policy includes a due diligence process which allows us to analyze the quality and references of our partners in terms of human rights abuses and corruption.

In particular, we check whether key players appear on the SDN list and have our security division run specific reputation enquiries.

Human rights and the prevention of corruption will be part of all our contracts in Myanmar, in order to respect all our commitments to compliance, ethics, human rights and preventing corruption.

Point 8: Transparency

We will provide yearly reports on the Republic of the Union of Myanmar, as we do for most countries worldwide on group level. These reports will be based on KPIs and will highlight freedom of expression in line with international standards (GRI today).

We are keen to cooperate with all of the stakeholders, especially NGOs such as yours and remain at your disposal for any question.

Yours sincerely,



Brigitte Dumont
Group Corporate Social Responsibility