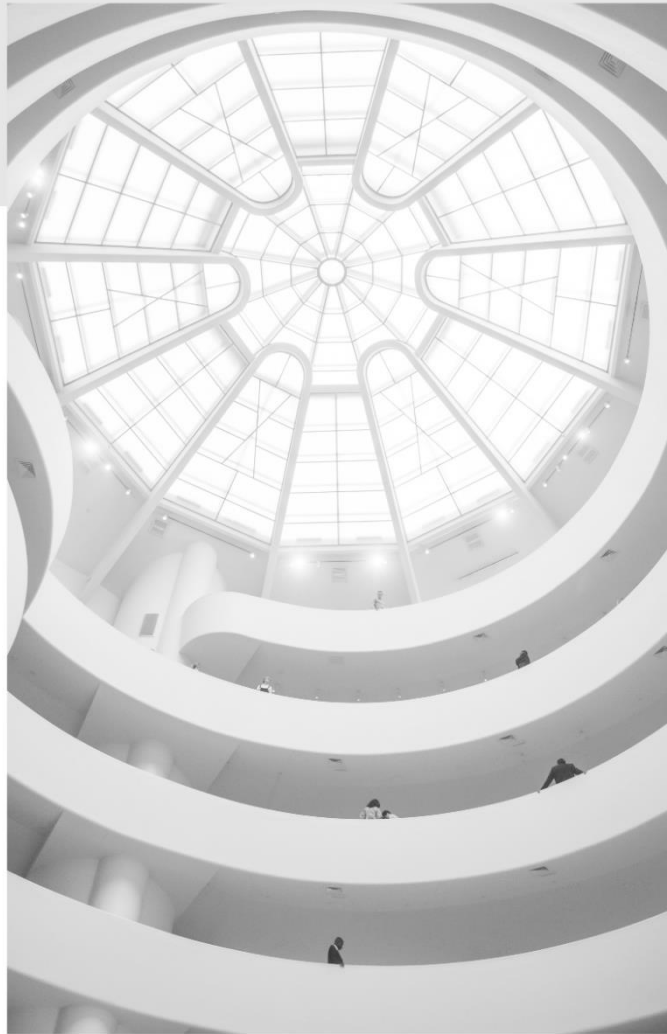


CORPORATE ADVOCACY:

*Linking Digital Rights and the
Telecommunications Sector in Lesotho*



PREPARED BY

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A. Introduction

Mobile Network Operators (MNOs) and telecommunications service provider organisations that provide wireless voice and data communication for subscribed mobile users play a crucial role in the digital rights space. This is so because they are the gatekeepers of the Internet and other digital services. In turn, they also control the infrastructure that enables people to access digital technologies and services, and as such, they have the power to either facilitate or limit people's digital rights.

Overall, digital rights are crucial in the digital age. The citizens (Basotho) of the Kingdom of Lesotho (Lesotho), in line with global trends, increasingly rely on digital services in their daily lives. They rely on telecommunications (telecoms) companies to access mobile and fixed Internet, which they use for education, business, entertainment, and general communication. The GSMA Mobile Connectivity Index¹ for 2022, the latest available at the time of writing, shows that, in 2022, Lesotho had a mobile penetration rate of 112%, a broadband penetration of 98% of the population.² Moreover, according to Datareportal, 51.9% of Lesotho's population was Internet users at the beginning of 2023.³ This data underscore the importance of ensuring that digital rights are protected in the telecoms sector, as it can significantly impact individuals' ability to express themselves and access information.

Under international law, state-owned MNOs have an obligation to promote, protect and fulfil digital rights.⁴ Conversely, under the UN Guiding Principles on Business and Human Rights and in compliance with national laws protecting human rights, private MNOs have a responsibility to respect human rights, avoid infringing on individuals'

¹ The GSM Association, an industry group that represents the interests of mobile operators worldwide, developed the GSMA Mobile Connectivity Index. The GSMA Mobile Connectivity Index is a composite index that measures the performance of 170 countries on enablers of mobile internet adoption, namely, infrastructure, affordability, consumer readiness, and content and services.

² See <https://www.mobileconnectivityindex.com/index.html#year=2022&zonesoccode=LSO&analysisView=LSO>

³ See <https://datareportal.com/reports/digital-2022-lesotho>

⁴ See <https://www.ohchr.org/en/what-are-human-rights/international-bill-human-rights>

digital rights, and address adverse digital rights impacts. Despite this, MNOs in some countries have been found complicit in facilitating commercial surveillance, that is, the collection, processing, and sharing of personal data by telecoms providers for commercial purposes.⁵ Further, MNOs, sometimes use customer data for targeted advertising, profiling, and other commercial purposes, often without obtaining users' informed consent or providing them with meaningful control over their data.⁶ These practices can threaten users' privacy, freedom of expression, and other digital rights, particularly if users' data is unlawfully or arbitrarily shared with third-party advertisers or government agencies. Additionally, MNOs are often subject to licensing requirements or government regulations that impact digital rights, such as legal requirements to block or restrict certain content, respond to shut down or service suspension orders, or provide access to users' data.⁷

This toolkit aims to provide Civil Society Organisations (CSOs) with the resources, tools, and information to advocate for digital rights protections in Lesotho's telecoms sector. The toolkit is designed to help CSOs engage MNOs to address digital rights issues arising from their service provision, understand the digital rights landscape in Lesotho, identify key stakeholders, and develop strategies for effective advocacy.

It can also provide resources to help CSOs raise awareness and promote digital literacy among the population. Additionally, the toolkit can help CSOs analyse the legal and regulatory framework governing the telecoms sector in Lesotho and develop advocacy strategies to address gaps and improve protections for digital rights. By providing CSOs with the knowledge, skills, and resources needed to engage in

⁵ Jessica Dheere. (n.d.). *Missed calls?: It's time telco giants answered for themselves*. Ranking Digital Rights. <https://rankingdigitalrights.org/tgs22/key-findings/missed-calls-it-s-time-telco-giants-answered-for-themselves>

⁶ Zak Rogoff. (n.d.). *Did you know: Telcos target us with ads, too?* <https://rankingdigitalrights.org/tgs22/key-findings/did-you-know-telcos-target-us-with-ads-too>

⁷ Nathalie Maréchal and Jie Zhang. (n.d.). *Unremarkable privacy scores could signal growth in telco-enabled surveillance*. Ranking Digital Rights. <https://rankingdigitalrights.org/tgs22/key-findings/unremarkable-privacy-scores-could-signal-growth-in-telco-enabled-surveillance>

advocacy efforts, the toolkit could help to create a more equitable and inclusive digital landscape for all in Lesotho.

What this toolkit is:

The digital rights toolkit is a collection of resources and tools designed to help CSOs and human rights defenders in Lesotho to understand, advocate for the respect of digital rights.

What this toolkit is not:

The digital rights toolkit is not a comprehensive solution to all digital rights issues nor a substitute for strong legal and policy protections for digital rights.

B. Definitions

This section provides a working definition of key concepts used in this guide.

Advocacy

Generally, advocacy refers to any activity that promotes, endorses, supports, defends, or appeals on behalf of a particular cause or group of people. It involves a deliberate and coordinated effort to effect policy change and shape policies and practices through planning and organisation.

Advocacy Strategy

An advocacy strategy is a plan of action designed to bring about a desired change or promote a specific policy or cause by influencing public opinion, decision-makers, and other stakeholders. It involves a series of coordinated actions to raise awareness, garner support, and compel those in power to act. An advocacy strategy provides the focus and direction and guides you to identify and pursue the most impactful activities. Advocacy strategies can take many forms, such as lobbying, media campaigns, public demonstrations, community organising, or social media activism.

Using an advocacy strategy, as Civil Society Organisations (CSOs), you can amplify your voices, mobilise public support, and increase your chances of success. An advocacy strategy can also help you to coordinate efforts with other like-minded actors, avoid duplication of resources, and maximise the impact of their actions.

Clearly Disclose

The concept of “clearly disclose” comes from the [2020 Ranking Digital Rights Corporate Accountability Index](#), which is the basis of this guide. It means that the company being evaluated presents or explains its policies or practices in its public-facing materials in a way that is easy for users to find and understand. Public-facing materials include materials accessible from the company’s website or other online sources.

Corporate Advocacy

Generally, corporate advocacy is the use of an organisation’s resources, such as its brand, reputation, and influence, to support social, political, economic, and environmental causes or to influence public policy. This can include activities such as charitable giving, cause-related marketing, lobbying, or public relations campaigns aimed at promoting the company's values and interests while addressing systemic issues impacting society. Typically, corporate entities will internalise the [2030 Agenda for Sustainable Development](#) (2030 Agenda, or SDGs) or the [UN Guiding Principles on Business and Human Rights](#) into their corporate advocacy efforts. This can build public trust and legitimacy by demonstrating a company's commitment to social responsibility, respect for human rights, and sustainability, enhancing its reputation and market position.

In this report, we define corporate advocacy as an advocacy strategy that CSOs can leverage in their efforts to encourage MNOs to respect digital rights in Lesotho. Corporate advocacy can build and strengthen bridges between CSOs and MNOs, fostering greater stakeholder collaboration and dialogue.

By partnering with MNOs that share their values and priorities, CSOs can influence MNO policies and practices to promote digital rights and responsible business practices. They can also leverage the power and influence of the private sector to advance digital rights, access new resources and audiences, amplify their message, and achieve a more significant impact. Conversely, MNOs will benefit from the human rights expertise of CSOs as they comply with national laws, and adhere to the [2030](#)

Agenda for Sustainable Development (2030 Agenda, or SDGs) and the UN Guiding Principles on Business and Human Rights.

However, it is important for CSOs to carefully consider the potential risks and ethical implications of partnering with companies and to ensure that any partnerships align with their mission and values.

Digital Rights

The advent of the Internet and the proliferation of digital technologies have simultaneously created opportunities for the fulfilment and infringement of human rights. The term 'digital rights' refers to the human rights and civil liberties that individuals are entitled to exercise in the digital space, including the Internet and other communication technologies. Digital rights seek to ensure that individuals can exercise their fundamental rights and freedoms online as they do offline, such as the rights to freedom of expression, privacy, access to information, non—discrimination, amongst others this needs a reference. This was recognised in 2012 by the UN Human Rights Council. Digital rights advocates are tasked with ensuring that these rights are respected, promoted, and fulfilled by governments and respected by private companies, and other actors in the digital space.

Freedom of Expression and Information Online

Freedom of expression and access to information are foundational rights essential for the enjoyment and protection of all human rights, as articulated in the Universal Declaration of Human Rights (UDHR). These rights guarantee individuals' freedom to seek, receive, or impart information or ideas of any kind, regardless of frontiers, through any media of a person's choice, either orally, in writing or in print, in the form of art, or through any other media of choice. While the rights to freedom of expression and access to information are not absolute, any restrictions must satisfy the three-part test under Article 19 (3) of the International Covenant on Civil and Political Rights (**ICCPR**), and should be (i) provided by law, (ii) in pursuit of a legitimate aim; listed exhaustively as respect of the rights or reputations of others, the protection of national security or of public order (*ordre public*); or the protection of public health or morals, and (iii) necessary and proportionate in a democratic society.

RDR Category: Freedom of Expression and Information

In the 2020 Ranking Digital Rights Corporate Accountability Index, the category of 'freedom of expression and information' seeks evidence that companies respect the right to freedom of expression and information, as articulated in the UDHR, the ICCPR, and other international human rights instruments.

Informed Consent

Informed consent refers to the process by which a person is fully informed about the risks, benefits, and potential consequences of a particular decision or action and voluntarily agrees to participate or proceed based on that understanding. This process typically involves providing information to the individual clearly and understandably, allowing them to ask questions, and ensuring they can make an informed decision. Informed consent is an ethical and legal requirement in many fields, including medicine, research, and business, and is intended to protect individuals from coercion, deception, or harm.

Policy Commitment

A concept in the 2020 Ranking Digital Rights Corporate Accountability Index that refers to a publicly available statement that represents official company policy that has been approved at the highest levels of the company.

Privacy Policies

A concept defined in the 2020 Ranking Digital Rights Corporate Accountability Index as documents that outline a company's practices involving the collection and use of information, especially information about users.

C. Digital Rights Challenges for Users in the Telecoms Sector

Globally, users of telecoms products and services face several digital rights challenges that impact their rights of access to information, privacy, and freedom of expression, and their overall online and digital experiences. Some of the key challenges are:

Lack of Meaningful Internet Access: Access to digital technologies and services is not evenly distributed, and many individuals and communities lack access to reliable Internet connectivity and digital skills. The lack of Internet access can limit individuals' ability to exercise their digital rights, particularly their freedom of expression and access to information.

Privacy: Telecommunication companies collect vast amounts of data about their users, including their browsing history, location data, and online behaviour. This data is often used for targeted advertising or shared with third parties, which can put individuals' privacy at risk.

Freedom of Expression: Telecoms companies, as providers of communication infrastructure and services, serve as intermediaries for the facilitation of online expression and have the power to shape public discourse by controlling access to, and the dissemination of, information. Telecoms companies, including MNOs, can respect this right by upholding the principle of net neutrality, which calls for the equal treatment of all online content and services and refraining from unduly restricting or blocking access to lawful content.

In some countries, telecoms companies are required to limit access to content or block access to certain websites or services in accordance with licensing requirements or national laws. In some cases, telecom companies have been forced to disrupt or shut down Internet access at the behest of the government. Shutdowns and content restrictions risk limiting individuals' freedom of expression and access to information. On a few occasions, the Government of Lesotho has ordered telecoms companies to restrict access to social media sites or shut down the Internet. This is explored in more detail below.

Cybersecurity: As the gatekeepers to the Internet, MNOs are responsible for ensuring the security of their networks and protecting users' data from cyber threats. However, cyberattacks and data breaches remain a significant challenge in the telecoms sector, which can result in harms such as identity theft, privacy violations and financial loss.

Net Neutrality: One of the most significant challenges in the telecoms sector is the issue of net neutrality. Net neutrality is the principle that all Internet traffic should be treated equally, without discrimination or preferential treatment. MNOs have been known to engage in practices that violate net neutrality, such as throttling or blocking access to certain websites or services. While net neutrality is an issue in some countries, it has not been a problem in Lesotho.

In summary, the telecoms sector is an integral stakeholder that can either facilitate individuals' rights to access to information, privacy, and freedom of expression, or support their infringement. Where telecoms companies have caused or contributed to adverse digital rights impacts, it is essential that they mitigate or remediate this, and that CSOs intervene to hold them accountable. This will ensure that individuals and users of telecoms companies' products and services can exercise their digital rights and participate fully in the digital age.

D. Digital Rights Challenges for Users in Lesotho's Telecoms Sector

The digital rights advocacy toolkit is meant to address several challenges in Lesotho's telecoms sector highlighted in the report [Digital Rights in Lesotho \(Pule, 2022\)](#), and [summarised below](#). The 'Digital Rights in Lesotho' report is an adaptation of the '[2020 Ranking Digital Rights Corporate Accountability Index](#)' methodology. The RDR indicators evaluate the extent to which a company demonstrates it respects the right to freedom of expression and information, as articulated in the UDHR, ICCPR, and other international human rights instruments.

The report generally indicates low levels of adherence to good digital rights practices by two MNOs operating in Lesotho, Vodacom and Econet. The report findings point to several digital rights challenges that users in Lesotho faced. Further, it identified a need for more transparency in Lesotho's telecoms sector, limited access to information and communication technology (ICT) infrastructure, and limited digital literacy among the population as key challenges. Additionally, the report highlighted concerns about government surveillance, Internet shutdowns, and the limited scope of existing legal and regulatory frameworks for protecting digital rights. Table 1 is a summary of MNO's respect for human rights in Lesotho.

Table 1: Summary of MNOs' Respect for Human Rights in Lesotho

<p>✚ MNOs in Lesotho do not demonstrate:</p> <ul style="list-style-type: none">❖ a uniform existence of governance processes for ensuring that they respect the human rights to freedom of expression and privacy,❖ a strong public commitment to transparency on how they respond to government and others third-party demands for user data or content restrictions, impacting users' fundamental right to freedom of expression and information, and❖ a strong public commitment to transparency on how they determine, communicate, and enforce private rules and commercial practices impacting users' fundamental right to freedom of expression and information, and❖ respect for the right to privacy of users, as articulated in the UDHR, ICCPR, and other international human rights instruments.
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Below is an outline of the challenges found in the report. Following each challenge is the proposed change or improvement, based on best practices recommended in the RDR manual, which we hope will serve as the foundation for CSO advocacy efforts targeting MNOs in Lesotho.

1. Lack of Policy Commitment to Human Rights

Pule (2022), in Digital Rights in Lesotho, found that there was no policy statement by Econet Wireless Global group, which holds 70% of Econet Lesotho, or by Econet Lesotho itself, expressing the group or company's commitment to respect freedom of expression and the right to information and privacy could not be found online. In

contrast, Vodacom had a policy statement inherited from the global group and was not linked from Vodacom's website.

MNOs should publish a formal policy statement on their commitment to respect users' human rights to freedom of expression and information, and privacy. The policy statement must:

- clearly articulate policy commitment to human rights, including freedom of expression and information
- make an explicit, clearly articulated policy commitment to human rights, including privacy
- clearly disclose an explicit, clearly articulated policy commitment to human rights in its development and use of algorithmic systems

2. Failure to Provide Easily Accessible Terms of Service

The terms of service of a company establish the relationship between the user and the MNO, and they specify the content and activities that are not allowed, with the possibility of taking measures against those who infringe these rules. Therefore, MNOs should provide terms of service and try to make them easily accessible and comprehensible for users. Company terms of service should be:

- easy to find
- available in Sesotho and English, which are the primary language(s) spoken by users in Lesotho
- presented in an understandable manner

The terms of service on a website should be accessible with a single click from any page, and on an app, a user should never be more than "two taps away" within the app. The terms should also be available in the primary operating market's major language(s).

3. Failure to Clearly Disclose Policies on Changes to Terms of Service.

Sometimes MNOs do not clearly disclose whether they directly notify users when they change their terms of service, prior to these changes coming into effect. Companies often update their terms of service as their business models evolve.

However, such changes, which may include restrictions on certain types of content or activities, can significantly affect users' freedom of expression and right to access information. Therefore, it is expected that companies should notify their users when they make changes to their terms of service and provide them with clear information to help them understand the implications of these changes.

Users have the right to know that MNOs should make disclosures clearly indicating that:

- they directly notify users about all changes to their terms of service.
- how they will directly notify users of changes.
- the timeframe within which it directly notifies users of changes before these changes come into effect.
- that they maintain a public archive or change log.

4. Failure to Clearly Disclose Processes for Responding to Government Demands to Restrict Content or Accounts.

The MNO should clearly disclose its process for responding to government demands (including judicial orders) to remove, filter, or restrict content or accounts. Demands for content restriction include blocking some sites or social media platforms or preventing certain types of content based on criteria set by the government. Specifically, the MNOs should clearly disclose:

- its process for responding to non-judicial government demands.
- its process for responding to court orders.
- its process for responding to government demands from foreign jurisdictions.
- the legal basis under which it may comply with government demands.
- it carries out due diligence on government demands before deciding how to respond.
- whether it commits to push back on inappropriate or overbroad demands made by governments.
- whether it provides clear guidance or examples of implementation of its process of responding to government demands.

5. Failure to Clearly Disclose Data about Government Demands to Restrict Content and Accounts

It is common for companies to receive requests from governments to restrict or remove content or accounts. For transparency and accountability regarding online content regulation, companies are expected to clearly disclose information about these requests, including the number and type of requests received and the number of requests that are complied with.

In some countries, legal restrictions may prevent companies from disclosing specific information. However, in Lesotho, there is no law preventing such disclosures. Therefore, MNOs should regularly publish data about government demands (including judicial orders) to remove, filter, or restrict content and accounts. The disclosure report should include the following:

- the number of government demands it receives.
- the number of accounts affected.
- the number of pieces of content or URLs affected.
- the types of subject matter associated with the government demands it receives.
- details on the number of government demand that come from different legal authorities.
- the number of government demands it knowingly receives from government officials to restrict content or accounts through unofficial processes.
- the number of government demands with which it complied.
- whether the MNO publishes the original government demands or clearly discloses that it provides copies to a third-party public archive.
- the frequency of the disclosure company report – companies should disclose this data at least once a year.

6. Lack of Disclosures on Network Management Practices, including Net Neutrality.

The MNOs should clearly disclose whether they prioritise, block, or delay certain types of traffic, applications, protocols, or content for any reason beyond assuring

the quality of service and reliability of the network. Disclosures should include the following:

- a policy commitment to not prioritise, block, or delay certain types of traffic, applications, protocols, or content for reasons beyond assuring the quality of service and reliability of the network.
- whether the MNO engages in network traffic prioritisation for any reasons beyond assuring the quality of service and reliability of the network, and if so, the reasons for doing that.

7. Lack of Disclosure on Government Demands to Shut Down or Throttle Networks Shutdown

The MNO should clearly indicate the circumstances under which they may shut down or restrict access to the network or to specific protocols, services, or applications on the network. Among things the disclosure should cover are:

- reasons for which it may shut down service to a particular area or group of users.
- reasons for which it may restrict access to specific applications or protocols (e.g., VoIP, messaging) in a particular area or to a specific group of users.
- the process the MNO uses for responding to government demands to shut down a network or restrict access to a service.
- whether it has a commitment to push back on government demands to shut down a network or restrict access to a service.
- whether it clearly states that it notifies users directly when it shuts down a network or restricts access to a service.
- the number of network shutdown demands it receives.
- the specific legal authority that makes the demands.
- the number of government demands with which it complied.

8. The Mandate to Use a Government-Issued Identity Card to Access Services

All users, including those on prepaid contracts, are required by law to use their government-issued identity documents to identify themselves when registering or whenever identification is required.

Ensuring the ability to communicate anonymously is vital for protecting freedom of expression both online and offline, as requiring users to provide their real names or other identifying information to companies presents risks to individuals who express views that conflict with a government's views, engage in activism not permitted by a government, or are persecuted for religious beliefs or sexual orientation; thus, it is expected that companies clearly disclose whether they might ask users to verify their identities using government-issued ID or other identifiable information, such as credit cards or registered phone numbers, that could potentially be linked to their offline identity.

In Lesotho, identification using government-issued ID card is a legal requirement. The purpose of advocacy should be for CSOs and MNOs to lobby the government to review this requirement and amend the law to allow for users who do not have such IDs to use an alternative means of identification, such as an attestation from a competent witness.

9. Hard to find or shallow privacy policies

Privacy policies outline how companies gather, handle, utilise, and protect data about users as well as information given by users, and therefore, companies need to try to help users locate and comprehend these policies for them to give informed consent. Privacy policies must be readily available in Lesotho's official languages, Sesotho and English, and easy to understand, notably if the company offers various products and services, in which case it should be clear which privacy policies apply to which products and services. The MNOs should offer privacy policies on their websites and apps, which should be easy to find and understand. Some of the things to check for are:

- when the privacy policies are one click away from any page; for a website, it must be one click from any page and not more than two clicks on an app.
- whether the privacy policies available in both Sesotho and English, which are the primary language(s) spoken by users in Lesotho

- the extent to which the MNO's privacy policies are adequate and understandable. The policies should outline the MNO's practices regarding collecting and using personal information about users.

-

10. *Changes to privacy policies*

The MNOs should inform users about upcoming changes. The MNO should clearly indicate whether it directly notifies users when it changes its privacy policies before the changes come into effect. The disclosure should cover the following aspects:

- whether the MNO directly notifies users about all changes to its privacy policies.
- the methods and communication channels that the MNO will use to directly notify users of changes. Examples of channels that the MNOs may use to directly notify users are text messaging through the users' mobile numbers or email addresses of users.
- the timeframe within which it directly notifies users of changes prior to these changes coming into effect.
- whether the company maintain a public archive or change log to enable users to see how the policy may have changed over time.

11. *Failure to clearly disclose company policy on the collection of user information*

The MNOs in Lesotho collect a wide range of personal information from users— at a minimum, they collect personal identification information to comply to fulfil the legal obligation to register users. The MNOs should clearly disclose what user information they collect and how they do so. They should also commit to the principle of data minimisation and demonstrate how it shapes their practices regarding user information. If an MNO collects several types of information, it should provide details on how it handles each type. The disclosure should include:

- the types of user information the MNO collects
- how it collects the different types of user information

- does the company clearly disclose that it limits the collection of user information to what is directly relevant and necessary to accomplish the purpose of its service?

12. No disclosures on the processes they follow for responding to government demands for user information

The MNOs should clearly disclose their process for responding to the government's demands for user information. The information they should put in the public domain should include:

- processes for responding to non-judicial government demands
- process for responding to court orders
- process for responding to government demands from foreign jurisdictions
- the legal basis under which the MNO may comply with government demands
- whether the MNO carries out due diligence on government demands before deciding how to respond
- whether the MNO commits to push back on inappropriate or overbroad government demands
- Whether the MNO provides clear guidance or examples of the implementation of its process for government demands?

E. Advocacy Planning

This section aims to help you develop an advocacy plan, and it includes how to:

- Develop an advocacy strategy.
- Build relationships.
- Communicate your core messages.
- Collaborate with users, policymakers, regulators and other CSOs.
- Perform monitoring and evaluation.

In this toolkit, we encourage CSOs to use corporate advocacy as the primary strategy for engaging MNOs in Lesotho. However, there are advocacy strategies that CSOs can use. Without being exhaustive, other strategies that you may consider are:

- a) *Grassroots Mobilisation*: This involves organising and mobilising community members to act on a particular issue through activities such as community meetings, door-to-door canvassing, and public demonstrations.
- b) *Lobbying*: This involves engaging with policymakers and other decision-makers to advocate for policy change through activities such as meetings, letters, and petitions.
- c) *Media Advocacy*: This involves using various forms of media to draw attention to an issue and influence public opinion, through activities such as press releases, interviews, and social media campaigns.
- d) *Litigation*: This involves using the legal system to advocate for policy change or defend the rights of individuals or groups through activities such as filing lawsuits, participating in legal proceedings, and using legal strategies to advance a cause.
- e) *Coalition Building*: This involves working with other organisations and stakeholders to build a broader movement for change, through activities such as joint campaigns, shared resources, and coordinated messaging.

Each of these advocacy strategies has its own strengths and limitations, and the most effective strategy will depend on the specific context and goals of the CSO. This guide only covers corporate advocacy.

Corporate Advocacy for Digital Rights

In Lesotho, there are two MNOs: Vodacom, a private MNO, and Econet, 70% owned by Econet Wireless Global, and 30% by the Government of Lesotho. While Econet has state-ownership, for the for the purpose of this toolkit, it will be treated as private MNO. With regards to state-owned MNOs, the goal of advocacy is for them to promote or protect digital rights. Therefore, in both cases, the advocacy goal should be to ensure that the MNOs respects digital rights.

By engaging in corporate advocacy efforts, CSOs can influence the policies and practices of the MNOs in Lesotho to respect digital rights and engage in responsible business practices. For example, CSOs can advocate for net neutrality and data privacy regulations, lobby for increased transparency and accountability in the MNO's operations and promote community engagement and participation in decision-making processes.

Corporate advocacy can also build bridges between CSOs and the MNOs, fostering greater stakeholder collaboration and dialogue. By working together, CSOs and MNOs can create more meaningful and impactful solutions to Lesotho's digital rights challenges.

Corporate advocacy is critical for CSOs to target their efforts towards the MNOs in Lesotho. By promoting responsible business practices and advocating for their respect of digital rights, CSOs can help to create a more equitable and inclusive digital landscape for all.

Why corporate advocacy?

Corporate advocacy can play a significant role in improving digital rights in Lesotho's telecoms sector. Here are some ways that corporate advocacy can help:

Raising Awareness: Corporate advocacy can help to raise awareness among the MNOs of the importance of respecting digital rights. By engaging in dialogue and advocacy efforts with these companies, CSOs can educate them about the potential impacts of their policies and practices on individuals' digital rights.

Lobbying for Change: Corporate advocacy can involve lobbying for legislative and regulatory changes that promote digital rights protections in Lesotho's telecoms sector. In some areas, lobbying as a collective with the MNOs can be a winning strategy. For example, CSOs and MNOS can lobby the government to review the National Identity Cards Act of 2011 to remove mandates on the use of national identification cards in all cases where identification is required. The law, as it exists, excludes vulnerable citizens from accessing mobile communication and digital

financial services as they cannot register their SIM cards. If the National Identity Cards Act of 2011 is amended to accommodate other methods of identification, MNOs will be able to accept other methods of identification for customers, and not have to disconnect them from networks for lack of an identity card.

Collaboration: Corporate advocacy can foster collaboration between CSOs and MNOs, creating opportunities for joint efforts to respect and underscore the importance of digital rights. By working together, these stakeholders can create more effective solutions that address the unique challenges facing Lesotho's telecoms sector.

Transparency and Accountability: Corporate advocacy can promote greater transparency and accountability in the MNO's operations. CSOs can push for companies to disclose their policies and practices related to digital rights, including data collection and sharing, and to be more transparent in their decision-making processes.

Public Pressure: CSOs can help to generate public pressure on the MNOs to adopt good human rights practices as outlined in the [UN Guiding Principles on Business and Human Rights](#). By mobilising public support for digital rights protections, CSOs can encourage companies to take action to respect these rights.

Corporate advocacy can be a powerful tool for improving digital rights protections in Lesotho's telecoms sector. By engaging in advocacy efforts with the MNOs, CSOs can help to create a more equitable and inclusive digital landscape for all.

Advocacy Planning

The next step is to plan the advocacy activities after deciding on the advocacy strategy. Figure 1 is a graphic representation of the planning process.

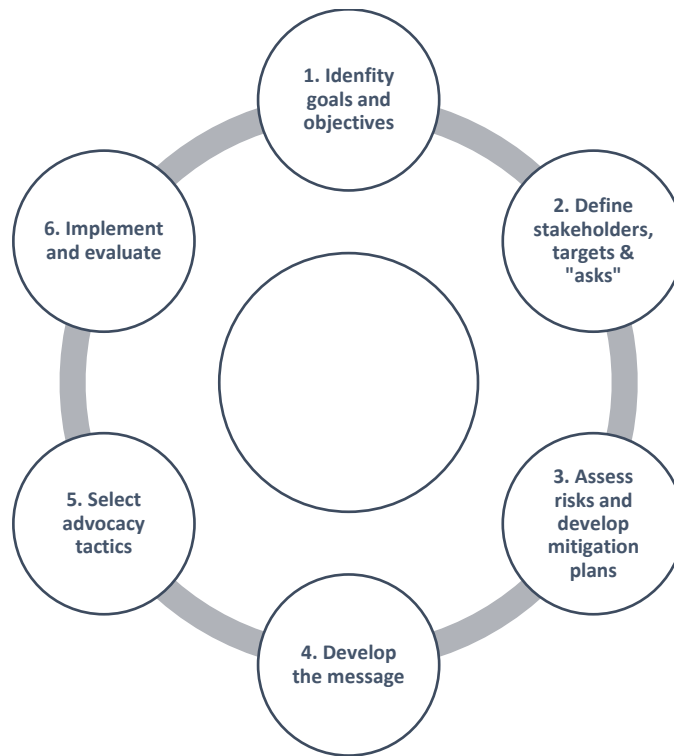


Figure 1: Advocacy planning cycle

Is the figure the author's or they copied it elsewhere, if the latter please reference accordingly. Consider this for Table 2 also.

1. Identify your goal and objectives:

The first step in advocacy planning is to identify the primary goal and objectives of your campaign. This involves defining what you hope to achieve through your advocacy efforts and what measurable outcomes you hope to see.

2. Define stakeholders, targets, and "asks":

Once you have identified your goals and objectives, the next step is to define the stakeholders and targets you will be engaging with, as well as the specific "asks" you will be making of them. This involves identifying the key decision-makers and influencers who have the power to effect change in the area you are advocating for and defining the specific actions or policy changes you are seeking from them. Table 2 illustrates how this activity could be carried out.

Table 2: Audience Mapping

Stakeholder group	Interests	Desired behaviours	Advocacy results
MNOs	<ul style="list-style-type: none"> - increased shareholder value 	<ul style="list-style-type: none"> - corporate governance policies should demonstrate commitment to respect digital rights - adherence to Guiding Principles on Business and Human rights 	<ul style="list-style-type: none"> - telecommunications companies commit to transparency, privacy, and security of user data, as well as respecting users' freedom of expression and access to information - terms of service, privacy policies accessible from the homepage of the company or service app - privacy policies and disclosures on the use and sharing of user data with government or private actors - terms of service or user agreements available in all official languages and accessible to persons with disabilities - human rights impact assessment for each product/practice
Investors	<ul style="list-style-type: none"> - return on investment - company reputation and long-term sustainability 	<ul style="list-style-type: none"> - to prioritise and incentivise telecoms companies in Lesotho to respect and uphold digital rights - appreciation of the risks associated with investing in companies that do not prioritise digital rights and prioritise investing in companies that have strong human rights and digital rights policies practices 	<ul style="list-style-type: none"> - telecoms companies in Lesotho to adopt and implement internationally recognised good digital rights practices - investors to prioritise the protection and promotion of digital rights in their investment decisions - improved digital rights protections for users in Lesotho's telecoms sector

3. Assess risks and develop mitigation plans:

Before you begin your advocacy efforts, it is important to assess the risks and opportunities associated with your campaign and to develop a comprehensive advocacy strategy that considers these factors. This involves identifying potential

barriers to your campaign, such as opposition from key stakeholders or legal and regulatory hurdles and developing a plan to mitigate these risks while maximising the potential impact of your advocacy efforts.

4. Develop the message:

Once you have defined your advocacy strategy, the next step is to develop a compelling message that will resonate with your target audience and inspire them to act. This involves crafting clear and concise messaging that communicates your goals and objectives and highlights the urgency and importance of your campaign.

5. Select advocacy tactics:

With your messaging in place, the next step is to select the advocacy tactics and tools you will use to reach your target audience and achieve your goals. This may include a mix of traditional and digital advocacy tools, such as public rallies, media outreach, social media campaigns, email and phone campaigns, and direct lobbying efforts.

6. Implement and evaluate:

Once you have developed your advocacy plan and selected your tactics, the final step is to implement your plan and evaluate its effectiveness. This involves tracking your progress towards your goals, monitoring your advocacy efforts to ensure they are having the desired impact, and adjusting your strategy as needed to maximise your chances of success. By regularly evaluating and refining your advocacy efforts, you can increase your impact and help bring about meaningful change in your chosen area of advocacy.

Building Relationships

Building relationships with key stakeholders and decision-makers within the MNOs will be an essential part of digital rights advocacy. Here are some key steps to consider when building these relationships:

- **Stakeholder mapping:** There are two MNOs in Lesotho. Therefore, begin by identifying the relevant individuals with the MNOs in your area, and then identify

the key decision-makers and stakeholders within those companies. Consider which offices are more approachable which ones may be more difficult to engage, and which ones are integral to your advocacy goals. For example, engaging marketing teams may not be as effective as engaging legal/regulatory/compliance teams which develop and refine MNOs internal and external policies and assess how to mitigate business risk. Further, engaging public relations or public affairs teams could be effective if the MNO actively promotes a positive corporate brand image and reputation. Research the corporate and personal positions of the key stakeholders and identify your potential allies or adversaries. This information will help you develop targeted engagement strategies for each stakeholder.

- **Develop messages/communications strategies:** Once you have identified the key decision-makers and stakeholders, develop targeted messages and communication strategies that will resonate with each stakeholder or stakeholder group. Consider using different communication channels, such as social media, email, and phone calls, to engage with stakeholders in a way that is most effective for them.
- **Develop stakeholder engagement plans:** To build relationships with key decision-makers and stakeholders, develop stakeholder engagement plans that outline your objectives and tactics for engaging with each stakeholder. Include the key messages and communication strategies you plan to use, as well as timelines and action plans for each stakeholder engagement activity. Be prepared to adapt your stakeholder engagement plans as needed, based on feedback from stakeholders and changes in the telecoms sector.
- **Establish regular communication:** To maintain relationships with key decision-makers and stakeholders, establish regular communication channels. This can include sending periodic updates on your advocacy campaign, sharing relevant news or research, and scheduling regular meetings or phone calls to discuss digital rights issues in the telecoms sector.

By following these steps, CSOs in Lesotho can build effective relationships with key stakeholders and decision-makers in the MNOs, develop targeted messages and communication strategies, and develop stakeholder engagement plans to achieve their digital rights advocacy goals.

Communicating the Core Messages

Communicating core digital rights messages in corporate advocacy is essential for CSOs in Lesotho to achieve their advocacy goals. Here are some key steps to consider when developing communication strategies:

- **Develop core messages:** Begin by developing core messages that articulate your digital rights advocacy goals and the key issues you are advocating for. These messages should be clear, concise, and easy to understand and should resonate with your target audience.
- **Choose communication channels:** Consider the most effective channels for reaching your target audience. Use multiple communication channels to increase the reach of your messages. This may include social media, email, phone calls, and in-person meetings.
- **Tailor messages for different stakeholders:** To ensure that your messages are effective, tailor them to each stakeholder group's specific needs and interests. For example, a message that resonates with shareholders may be different from one that resonates with customers or employees.
- **Use data and evidence:** Use data and evidence to support your messages and make your advocacy more compelling. This may include research on digital rights infringements in the telecoms sector, case studies, and other relevant data.

- **Engage stakeholders in dialogue:** Use communication channels to engage stakeholders in dialogue about digital rights issues. This can help you build relationships, gain feedback, and gather information to inform your advocacy strategy.

By following these steps, CSOs in Lesotho can effectively communicate core digital rights messages in corporate advocacy, reach their target audience through various communication channels, tailor messages to specific stakeholders, use data and evidence to support their messages and engage stakeholders in dialogue to build relationships and gather feedback.

Key Messages to Telecom Companies

Based on the findings of the Ranking Digital Rights report on Lesotho, key messages to MNOS should be for the MNOs to:

- i. conduct regular human rights impact assessments to ensure that business rules, products and services respect digital rights of users.
- ii. adopt and implement comprehensive privacy policies that clearly outline how they collect, use, and protect user data.
- iii. clearly disclose information about their practices related to network shutdowns, content takedowns, and data retention.
- iv. adopt and implement responsible corporate policies related to digital rights, such as the UN Guiding Principles on Business and Human Rights.
- v. to engage with CSOs and other stakeholders to understand their concerns and priorities related to digital rights.
- vi. to publicly commit to respecting digital rights and addressing any direct or indirect human rights risks or impacts by taking measures for their prevention, mitigation or remediation, where appropriate.

Key messages to investors

Investors in the MNO in Lesotho are corporate investors in the case of Vodacom and a mix of government and corporate investors in the case of Econet. Key messages should be about:

- persuading them to advocate for responsible business practices that prioritise digital rights to ensure that MNOs have a human rights policy overseen by the company board.
- Encouraging them to monitor to ensure that telcos are held accountable for protecting digital rights.
- raising awareness of the digital rights issues in Lesotho's telecoms sector and encouraging them to consider these issues when making investment decisions.
- Sharing information: you should conduct research and publish reports on the digital rights practices of MNOs in Lesotho. These reports can be used to raise awareness of the issues among investors and other stakeholders and to encourage companies to improve their practices.
- The government of Lesotho is one of the investors in one of the MNOs. Creating awareness of digital rights issues identified with the political and executive heads of the relevant ministries and parliamentarians should have an impact.

Engagement with both groups of stakeholders can be similar in terms of assets to leverage and channels, as shown in Table 3.

Table 3: Mapping of stakeholder groups to assets and channels

Stakeholder group	Tools/assets	Channels
MNOs	- research reports with recommendations for change	- One-on-one with public relations offices
Investors	- social media reports by users sharing their experiences	- Social media channels of service providers
	- mainstream media reports	- CSO's own social media channels, tagging the account of service providers.
	- Policy briefs	- Own CSO's website
		- Presentations of findings at regional ICT Ministers' meetings
		- Digital rights conferences
		- ICT regional conferences

Collaboration with users, policymakers, regulators and other CSOs

Collaboration on digital rights advocacy between users, policymakers, regulators, and other civil society organisations (CSOs) can effectively achieve meaningful change. Here are some ways in which collaboration can be facilitated:

Establish common goals: Collaboration can be facilitated by identifying and establishing common goals that all stakeholders can work towards. The goals can be reached through open dialogue and consultation and by building consensus around shared objectives.

Share information: Collaboration is often facilitated by sharing information and knowledge among stakeholders. This can include sharing research findings, best practices, and insights from different perspectives.

Leverage diverse perspectives: Collaboration can be strengthened by leveraging the diverse perspectives and expertise of all stakeholders. This can involve engaging with user groups, policymakers, regulators, and CSOs with different backgrounds and experiences and recognising the unique value that each brings to the table.

Coordinate advocacy efforts: Collaboration can be facilitated by coordination and avoiding duplication of efforts. This involves communicating regularly with other stakeholders, sharing updates on advocacy activities, and working together to ensure that advocacy efforts are complementary and mutually reinforcing.

Amplify the impact of advocacy efforts: Collaboration can also be used to amplify the impact of advocacy efforts. This involves working together to build momentum around specific advocacy issues, leveraging the collective voice of multiple stakeholders to increase the visibility and impact of advocacy efforts.

Overall, collaboration on digital rights advocacy can be highly effective in bringing about meaningful change by leveraging the collective knowledge, expertise, and influence of different stakeholders to achieve shared goals.

Monitoring and evaluation

Tracking results and monitoring progress is essential to ensure that digital rights advocacy efforts are effective and impactful. Here are some ways to track results and monitor progress:

- **Set clear goals and objectives:** At the beginning of the advocacy campaign, set clear and measurable goals and objectives. This will help track progress and ensure efforts align with the intended outcomes.
- **Develop key performance indicators (KPIs):** Develop KPIs to track progress and measure the success of advocacy efforts. KPIs could include the number of MNOs engaged, the number of stakeholders reached, or changes in the MNOs' policies or practices related to digital rights.
- **Develop accountability plans:** Develop accountability plans for the MNOs, outlining their commitments to respect digital rights and how they will be held accountable for upholding these commitments. This could include regular reporting requirements or independent third-party assessments.
- **Conduct risk assessments:** Conduct risk assessments to identify potential obstacles and challenges to achieving advocacy goals. Develop risk mitigation plans to address potential challenges and ensure that advocacy efforts remain on track.
- **Monitor and evaluate progress:** Monitor and evaluate progress regularly throughout the advocacy campaign. Adjust tactics and strategies as needed based on progress and feedback from stakeholders.

By tracking results and monitoring progress, CSOs in Lesotho can ensure that their digital rights advocacy efforts are effective and impactful. Developing KPIs, accountability plans, and risk mitigation plans and conducting regular

monitoring and evaluation will help ensure progress towards the desired outcomes.

F. Frequently asked questions

1. What are digital rights?

Human rights in the digital space. They include the right to privacy, free expression, and access to information, amongst others.

2. Why are digital rights necessary?

Digital rights are as important as equivalent human rights offline. However, due to the nature of technology, risks to privacy and freedom of expression have become commonplace due to the practices of different actors. Repressive governments use personal data to track opponents in digital spaces, which can make them uncomfortable accessing information or freely expressing their views. Companies track users online and use the data for targeted advertising; identity theft, with often devastating results for victims, results from personal data exposed to malicious actors.

3. How do I know that a telecommunications company respects digital rights?

A company that respects human rights integrates a human rights policy in its governance policy statements and makes such policy statements publicly accessible.

4. What if the company does not make a policy disclosure?

A human rights policy disclosure is not required by law in Lesotho. However, CSOs should advocate for transparency and accountability of service providers.

5. What can I do if I find a telecommunications company infringes on a user's rights?

- Research to ascertain the nature of the problem and produce a report with recommendations for change.
- With the research report, engage with the company through the company's public relations office.
- Document the engagement for future reference.
- If the service provider does not address the problem, appeal to the sector regulator such as the Lesotho Communications Authority.
- Change may take time. Therefore, sustained engagement may be necessary.

6. Which laws and institutions protect digital rights in Lesotho?

- The Constitution of 1993 deals with privacy, freedom of expression and access to information, among others. The Constitution even establishes a Human

Rights Commission to oversee human rights in Lesotho. However, such a body is yet to be established.

- The Data Protection Act of 2011 is concerned with protecting personal data, which is crucial for the right to privacy online. The Act establishes a Data Protection Commission for oversight and enforcement; however, such a body has yet to be established.
- The Communications Act of 2012 has provisions for privacy protection. The Lesotho Communications Authority has oversight on this. The Communications Act also recognises the need for every Mosotho to access the Internet and provides for mechanisms by establishing the Universal Service Fund.

7. What are the examples of digital rights infringement in Lesotho?

- online bullying cases reported in the media
- online gender-based violence
- identity theft
- illegal surveillance (including unverified claims of law enforcement actors using covert listening devices)
- lack of meaningful Internet access to the over 40% of the population affects the right to freedom of expression and information of the affected population

G. Resources

African Commission on Human and Peoples' Rights. Declaration of Principles on Freedom of Expression and Access to Information in Africa.

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