



# Non-Combatants in Telecom Wars: human rights and consumer rights

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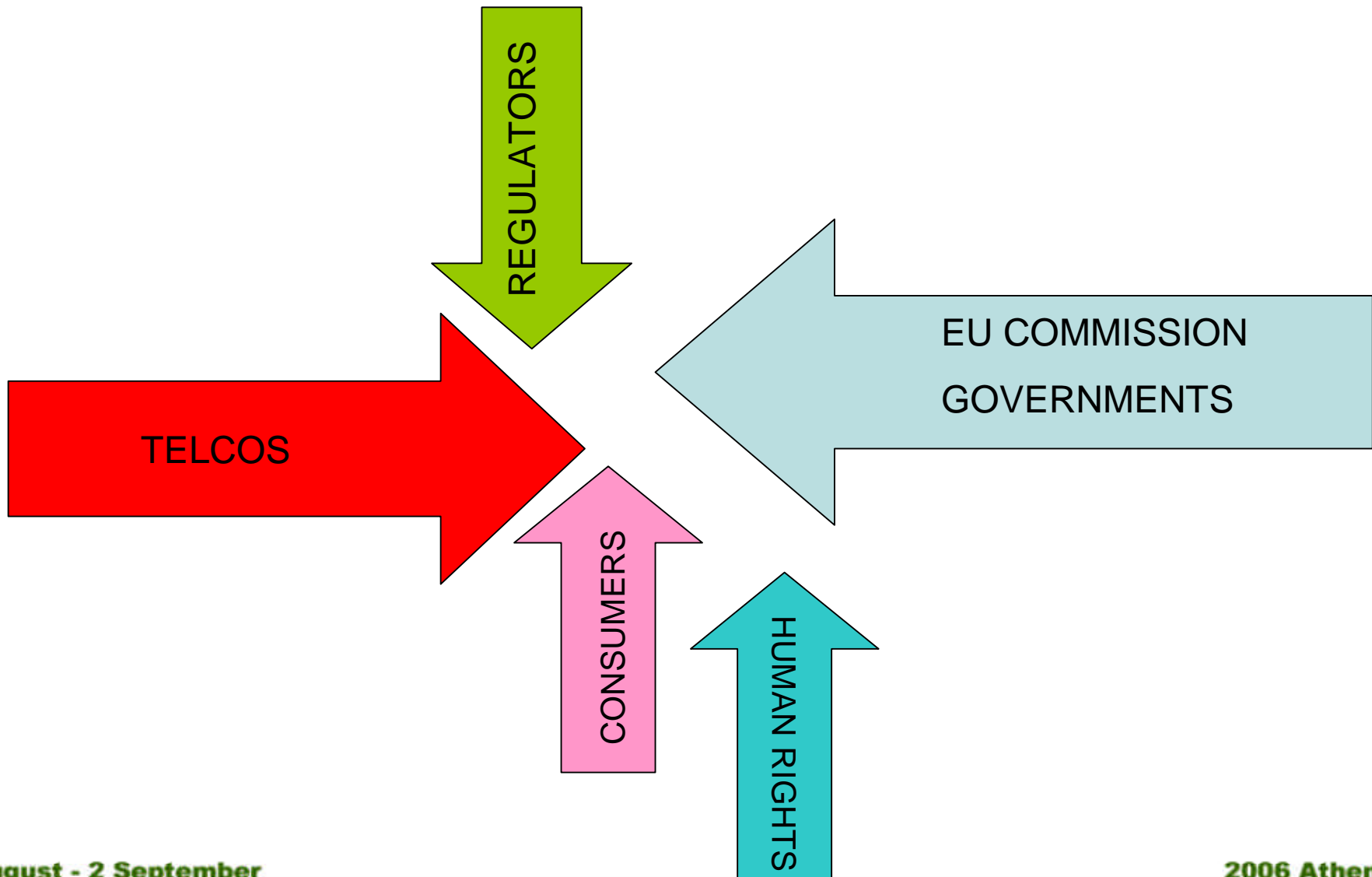
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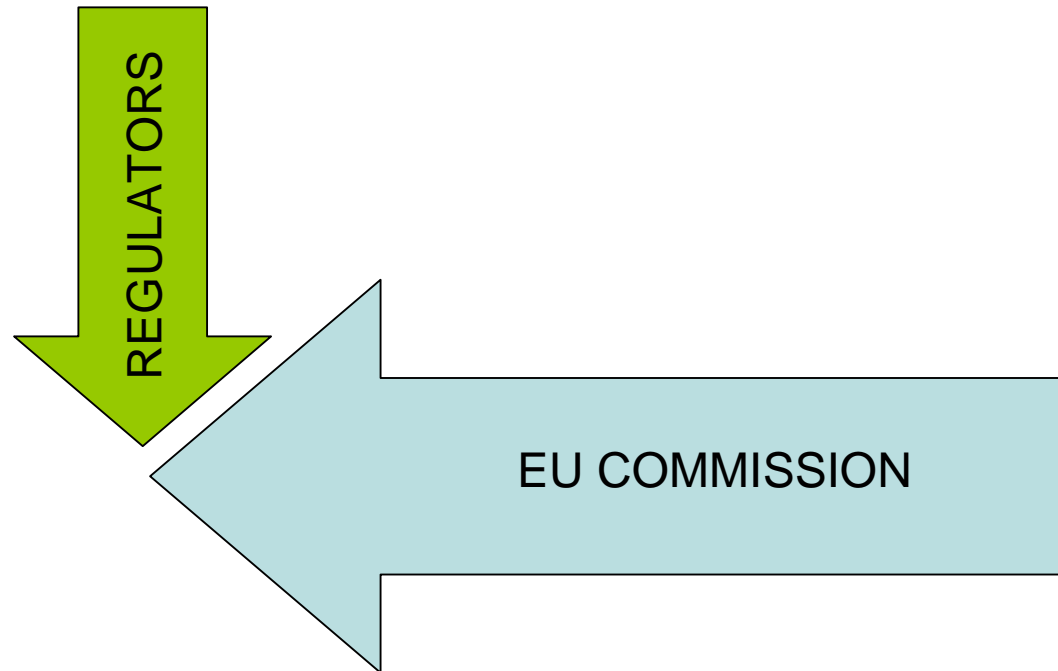


# THE CONFLICT





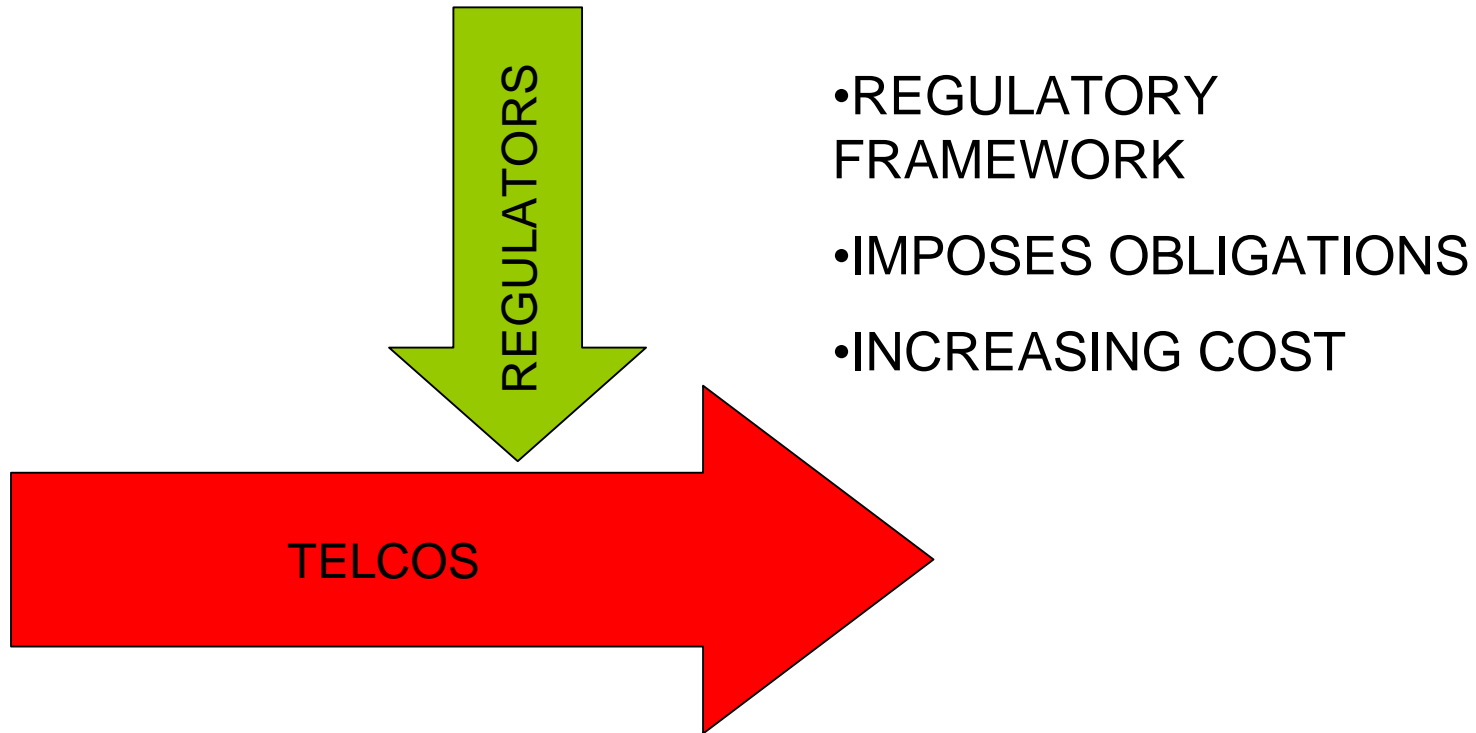
# EU SHAPES REGULATORY BODIES...



- COMPETITION
- DOMINANT POSITION
- UNIVERSAL SERVICE
- DATA RETENTION



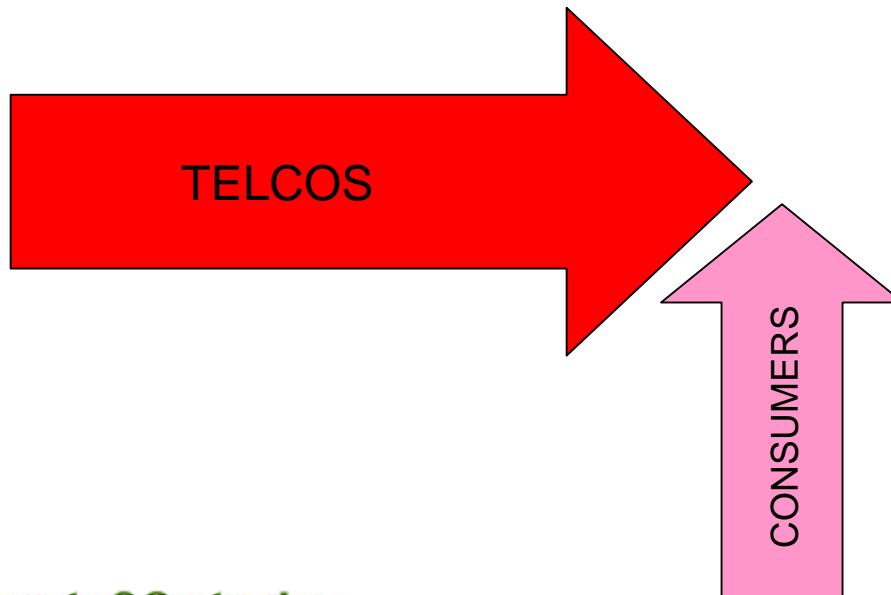
# ...REGULATORS PRESS TELCOS...





## ...AND TELCOS RESPOND...

- MAINTAIN OR INCREASE MARKET SHARE
- AVOID REGULATION
- AVOID INVESTMENTS
- SHRINK COSTS
- MAXIMIZE PROFIT



- CONFUSION
- HIGH COST
- INEFFICIENT PRIVACY PROTECTION
- VIOLATION OF HUMAN RIGHTS
- QUALITY OF SERVICE VARIES AS INVESTMENTS DROP



# THE LAWS OF “WAR”

- LEGAL BACKGROUND
  - SECURITY
  - PRIVACY
  - DATA RETENTION
  - UNIVERSAL SERVICE
- DIFFERENT MARKETS-DIFFERENT LAWS
- POOR IMPLEMENTATION



## SECURITY

- THE EUROPEAN DIRECTIVES DOES NOT IMPOSE ANY SERIOUS OBLIGATIONS TO PROVIDERS IN FAVOR OF CONSUMERS
- THE PROVIDER MUST SIMPLY INFORM THE CLIENT IN CASE OF BREACH
- INTERNET - SIMPLE RISK INFORMATION
- THE EU' USER'S PRIOR CONSENT AGAINST SPAM OR JUNK IS GOOD BUT
- SPAMMING - HOW TO AVOID ?
- COOKIES - HOW TO REFUSE ?
- DATA RETENTION- THE COMPANIES SHALL RETAIN DATA FOR PERIODS OF NOT LESS THAN SIX MONTHS AND NO MORE THAN TWO YEARS
- - RISK OF ILLEGITIMATE USE/ NO PROVISION HOW WE PROTECT THESE DATA BASES
- INTERCEPTION – CONFIDENTIALITY OF COMMUNICATIONS  
THROUGH NATIONAL LEGISLATION  
THE BASIC PRINCIPLE IS PROHIBITION OF LISTENING TAPPING OF COMMUNICATIONS



## DATA RETENTION VERSUS HUMAN RIGHTS

- “NO ONE IS TO BE HELD GUILTY UNTIL IS PROVEN SO”
- NO CONVINCING PROOF OF USEFULNESS AND BENEFITS OF DATA RETENTION
- TELECOM INDUSTRY AT STAKE
- CONSUMER’S CONFIDENCE IN COMMUNICATIONS UNDERMINED





# NATIONAL REGULATORY AGENCIES

- HOW CAN REGULATE DIFFERENT NATIONAL MARKETS
- REGULATION TAKES TOO LONG
- OPERATORS CAN INFLUENCE MARKET POWER TO AVOID REGULATION



# FINANCIAL IMPACT

- HIGH COSTS DOES NOT MEAN EFFECTIVE PROTECTION
- PROMOTING COMPETITION DOES NOT MEAN KILL INCUMBENTS
- MARKET ANALYSIS AND COST ANALYSIS ARE MUST
- DANGER OF BURDENING EUROPEAN TELECOM INDUSTRY



# SELF-REGULATION

- COMPANIES CAN DO BETTER THAN THAT
- PAGE BLOCKING-FILTERS
- TECHNOLOGY HAS THE ANSWERS
- SECURITY HAS BECOME A RACE THAT WE LOSE OR WIN DEPENDING ON HOW QUICKLY SYSTEMS DESIGNERS RESPOND TO NEW THREATS.



## CASE STUDIES

- OTELO is the british telecom ombudsman appointed to resolve disputes between telcos and their clients
- YAHOO CASE taught us that there is a very thin line between free speech and self regulation
- TheVODAFONE CASE is in hands of authorities but it showed us that the best way to avoid legal liability is to work with consumers, inform them, act in good faith and cooperate with authorities and regulators.



## CONCLUSIONS

- The present framework has not contributed to any significant improvement in consumer and human rights protection.
- IT'S TIME TO REVIEW.
- THE PUBLIC CONSULTATION HAS ALREADY STARTED BUT...
- THE HUMAN RIGHTS AND CONSUMER RIGHTS PROTECTION STILL IS NOT A PRIORITY
- ALERTNESS-AWARENESS-ACTION
- CITIZENS ARE NOT HELPLESS VICTIMS.THEY HAVE POWER.THEY MUST ACTIVATE TO PROTECT THEIR RIGHTS.
- RESPECT TO HUMAN RIGHTS AND CONSUMER RIGHTS COULD MEAN LESS REGULATION AND HIGHER PROFIT.
- PERHAPS WE CAN WIN THE TELECOM WAR WITHOUT CAUSALTIES.