

Esteemed Telecom Ministers, Regulatory Agencies, Members of Parliament and Public Officials,

28<sup>th</sup> February 2024

The undersigned consumer protection, academic and civil society organizations want to highlight the need for open and meaningful connectivity for everyone and the systemic problems caused by the wide-spread proliferation of zero-rating all around the world.

Zero-rating and similar offers<sup>1</sup> restrict connectivity to hand-selected parts of the internet. This second-class internet strips the most vulnerable users from the positive potential of the internet for improved health, economic prosperity, educational development and democratic participation.

Limited connectivity through zero-rating excludes access to independent news or government information and thereby increases the risk of falling prey to fake news and misinformation.<sup>2</sup> Data from Brazil<sup>3</sup>, Colombia<sup>4</sup> and the EU shows<sup>5</sup> that one company, more than any other, is favored by zero-rating: Meta with its services WhatsApp, Facebook (Messenger), Instagram and its Free Basics program. With its aggressive walled-garden approach Meta even became synonym with the whole Internet in some countries.<sup>6</sup> This has rightfully been called “digital colonialism”.<sup>7</sup> Meta’s services are known to spread dangerous disinformation. Attempts to verify such information by accessing independent news sources are hindered by data charges the user would have to entail if they were to leave Meta’s services. Hence, zero-rating creates the perfect echo chamber for disinformation campaigns. Particularly, low socio-economic populations in rural areas or global majority countries are often only left with such limited connectivity. Dependencies on zero-rating exacerbate inequalities in the right to information between people of different income backgrounds.

Offering access to the whole internet is cheaper than offering connectivity to only a limited number of services. The variable costs of data traffic are negligible. Zero-rating requires additional technical and administrative efforts from the ISP to differentiate certain content and applications from the rest of the internet.<sup>8</sup> Wherever zero-rating is offered, technical coverage and financial capability would allow ISPs to offer full internet access instead. Frequencies for mobile cell coverage are a public good that is licensed by governments under certain conditions. Furthermore, huge national and international subsidiaries to ISPs support network buildup in unconnected areas. Yet, ISPs in conjunction with Big Tech and under the tolerance of governments choose to cripple the connectivity of those users that would most depend on it.

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<sup>1</sup> This includes sub-internet offers that technically limit access to only parts of the internet, as well as application specific data volume (e.g. 1GB of YouTube).

<sup>2</sup> <https://periferiasurbanas.org/zero-rating-and-the-infrastructure-of-political-miscommunication-in-brazil/>

<sup>3</sup> idb.

<sup>4</sup> <https://en.epicenter.works/document/4422>

<sup>5</sup> <https://en.epicenter.works/document/1522>

<sup>6</sup> <https://www.dailydot.com/debug/facebook-internet-perception-global/>

<sup>7</sup> <https://www.theguardian.com/technology/2017/jul/27/facebook-free-basics-developing-markets>

<sup>8</sup> <https://en.epicenter.works/document/1522> (page 21-30 and 34-35)

Regulators investigated the potential benefit of zero-rating of connecting the unconnected and discarded this argument as baseless.<sup>9</sup> Meaningful connectivity can be achieved by removing artificial barriers and offer access to the whole internet in one of the many access forms that are compatible with net neutrality.<sup>10</sup> Application-agnostic zero-rating offers solutions, like speed reduced offerings that are optimized for text-based communication or off-peak time slots that don't count towards data caps when the network is idle. Such models are not contrary to economic and technical necessities of ISPs. Capacity in mobile networks would even better be optimized with such access products. All free zero-rating offers prove the economic viability to offer the same data amount to the same users under the same conditions without restrictions.

Hence, we urge you to end zero-rating and deliver meaningful connectivity to all segments of society. Only strict enforcement of net neutrality can deliver on the positive potential of the open internet for all. We hope the ongoing high court case in Colombia promoted by NGO El Veinte<sup>11</sup>, in which Fundación Karisma, follows the examples of India, Canada and the EU and leads to a clear prohibition of all forms of application-specific zero-rating. This problem also needs to be made transparent for democratic dialogue by distinguishing between fully connected, unconnected and only zero-rating connected populations in official statistics.<sup>12</sup>

Sincerely,

epicenter.works - for digital rights (NGO, Europe/Austria)

Fundación para el Estado de Derecho (NGO, Colombia)

Observatorio del Derecho a la Comunicación (NGO, France)

data\_labe (NGO, Brazil)

D3 - Defesa dos Direitos Digitais (NGO, Portugal)

Idec - Instituto Brasileiro de Defesa do Consumidor (NGO, Brazil)

European Digital Rights (NGO, Europe)

Citizen D / Državljan D (NGO, Slovenia)

Observatorio de Derecho Informático Argentino (NGO, Argentina)

Chaos Computer Club (NGO, Germany)

IT-Pol Denmark (NGO, Denmark)

Homo Digitalis (NGO, Greece)

Politiscope (NGO, Croatia)

Aqualtune Lab (NGO, Brazil)

Deutsche Vereinigung für Datenschutz e.V. (NGO, Germany)

Bianca Kremer (Academic)

Damian Loreti (Academic)

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<sup>9</sup> CRTC 2017-104

<sup>10</sup> Barbara van Schewick 2015: Network Neutrality and Zero-rating;  
<https://cyberlaw.stanford.edu/publications/network-neutrality-and-zero-rating>

<sup>11</sup>

[https://www.corteconstitucional.gov.co/secretaria/consultac/proceso.php?proceso=1&campo=rad\\_codigo&date3=1992-01-01&date4=2022-10-24&todos=%25&palabra=14516](https://www.corteconstitucional.gov.co/secretaria/consultac/proceso.php?proceso=1&campo=rad_codigo&date3=1992-01-01&date4=2022-10-24&todos=%25&palabra=14516)

<sup>12</sup> People only able to access a handful of services shouldn't be counted as connected.