

Brief Report

Global Meeting 'Revision of United Nations Guidelines for Consumer Protection'

New Delhi, February 26-27, 2013

Consumers International (CI) in collaboration with CUTS International and co-hosted by the Ministry of Consumer Affairs, Government of India organised a two-day high-level Global Meeting on 'Review of United Nations Guidelines for Consumer Protection' at Hotel Crowne Plaza Rohini, New Delhi, on February 26-27, 2013. The meeting was attended by experts working on consumer issues across various sectors around the globe. The objective of the meeting was to examine possible areas for redrafting and revision. The deliverables from the meeting are a set of substantive recommendations to United Nations Conference on Trade and Development (UNCTAD) from CI and its global membership.

In the inaugural session, Helen MacCallum, Director General, CI welcomed the gathering. Pradeep S Mehta, Secretary General, CUTS International provided a historical review of CI's work on UNGCP and underlined the need for developing a work plan jointly by UNCTAD and United Nations Economic and Social Council (ECOSOC) together before 2015. This view was also supported by Caitlin Wiesen, UNDP Country Director, India during her opening address. Pankaj Agrawala, Secretary to the Government of India, Department of Consumer Affairs, delivered an address wherein he expressed the plight of existing legislations in country that are heavily production-oriented. In today's time, given the complexity of transactions, consumers are least concerned of their benefits. Hence, new instruments of consumer protection need to be devised or framed rather than approaching courts to the rescue.

Session I

The session focused on the CI's initial suggestions to the Guidelines. CI proposes amending the existing guidelines rather than the development of a completely new document as there is much in the existing Guidelines that is still valuable and that have served well as reference point for consumer protection since 1985. Robin Simpson, Consultant Senior Policy Adviser, CI in his presentation suggested issues, such as recognise March 15 as the International Day for Consumer Protection; strong provisions and language to increase the overall strength of Guidelines; broader definition of consumers and producers; incorporate 'access to essential goods and services'; reference to participation by consumer organisations in regulation, representation, policy formulation, redress (as adjudicators and board members) and support from the government for development of consumer associations; etc. His presentation also touched upon few suggestions that are sector-specific, such as financial services, water, energy, food and pharmaceuticals. While concluding, he underlined the need for enforcement of already existing laws and procedures and for the international monitoring of application of UNGCP by UNCTAD and CI.

Later, Jeremy Malcolm, Senior Policy Officer, CI in his presentation entitled 'Proposed Amendments on Digital Age' put forth certain amendments to the UNGCP. He expanded the current objectives of UNGCP to include provision for safeguarding consumers against the collection, use, disclosure or loss of their personal information without their consent and to promote parity in the treatment of consumers of online or digital products or services, and similar products and services provided in offline or analogue form. Similarly, added a new consumer need – access to knowledge, as a precondition of full participation of consumers in cultural, civic and educational affairs. Amendment is also proposed for the governments to

restrict suppliers of digital products and services from employing technologies that have a significant effect of preventing consumers from using those products or services in ways or for purposes that would otherwise be reasonable, lawful and safe.

Later, discussion took place with delegates. Concerns were expressed by participants about the current state of recognition of consumer rights. A need for a new consumer clause recognising these rights were put forth. Questions were also raised on issues, such as sales promotion, international monitoring etc.

Session II

This session was devoted to identify key issues for amendments to the UNGCP. The delegates were divided into four groups and asked to identify any key issues other than those put forth by CI. Robin Simpson gave a brief presentation of findings of a survey that was conducted to ascertain the global overview on the state of consumer protection. The results were based on the responses from 70 member organisations in 58 countries. One of the findings was that the Consumer Protection Act (COPRA) remains to be the main instrument of consumer protection (78 percent) but unfortunately only half of surveyed countries have a national policy on the same.

Session III

Day two began with a presentation by Antonino Serr Camberes, Senior Policy Officer, CI on the Model Law/Framework on Consumer Protection. He touched upon the history of development of model law and also cited reason for failure of African Model Law that was developed around the year 1990. The presentation then shared the checklist and tools that aids in researching the legal framework for Consumer Protection. Each of the points under the checklist was explained in brief.

Simpson reviewed the list of amendments proposed by the delegates during the group work. Most of the proposed amendments were accepted by CI for further consideration during the future course of action and few of them were rejected with reasonable justifications.

Session IV

Session IV was a group work wherein delegates were divided based on their region. Each of groups was asked to share their views and add anything further to the model law/framework (prepared by CI) based on their country's best practices.

Session V

Allan Asher first gave a brief presentation on the topic 'Quick Guide to UN Agreements' where he covered topics, such as treaties, UN instruments, features of treaties, agreements, declarations, memorandum of understanding, *modus vivendi* etc. Later in his second presentation he focused on the topic on the Road to Advocacy'. He spoke about the context for UN advocacy work, CI's involvement and the difference it had made over the years in the international governance. He asked delegates to share their views on few queries, such as – Has your organisation attempted to influence your government or UN agency?; If so, describe multilateral agencies with whom you are engaged; Which decision or issue were you interested in?; When did you do this?; Did you collaborate with other organisations? If so, which ones? etc.

Session VI

First Group Activity: Model Law or Framework: Checklist a tool for comparative analysis

Participants were divided among groups on basis of region (Asia, Middle East, America and the Caribbean, Africa, Oceania and Europe) to discuss model law/framework and evaluate the check

list. Each group got an opportunity to put forward their suggestions, i.e. it should be called as Model Framework of Law rather than Model Law. Model framework should be supplemented by best practices from other countries on consumer protection (good provision, design, implementation etc.); questions to be added in the check list related to provisions for consumer/citizen charter; consumer education, cross border consumer transaction & redress, insurance, e-commerce, energy sectors; prevent substandard products/product dumping from one country to another country; regulations to control deceptive, fraudulent, misleading and unfair trade practices, regulation to protect vulnerable consumers; consumer organisation having a legal status to represent consumer cases before any judicial authority. Groups agreed that model framework need to be updated whenever new laws or best practices are changed.

Second Group Activity: Making the UN work for Consumers

Region-specific groups discussed strategies for advocacy and campaign. Presentations were made on the earlier experience and few strategies were shared for campaigning such as to divide issues at domestic, national and international level; get public interest on global issues and generate global pressure to drive national change; develop manual on techniques of coalition building; advocacy with public servants and politicians; identify suitable government representatives for international lobbying efforts; and involve consumer groups, government, CI, international agencies, media. Groups focused on those sectors for campaigning on issues, such as food safety, telecommunications, tobacco, etc.

Groups urged CI to provide support on software for developing websites, research, fund raising, communication skills, strategies to involve media, information on process of lobbying with regional bodies and accreditation, monitoring and evaluation. In the end, it was decided to share individual case studies with each other.

Summing Up and the Way Forward

Helen McCallum, Director General, CI acknowledged efforts put to make the event successful, insights provided by delegates from the globe. She stated that it was a great opportunity of sharing ideas among countries and that group discussions were the key to achieve the objective of the event. Further, she added that CI and other consumer organisations will work together on various negotiable campaigns.

Regarding the next step, McCallum informed that a concluded document will be prepared on the basis of feedback received during expert group members' meeting and that will be shared during the meeting on the subject 'Consumers in the Information Society 2013: Rights, Justice, Connection'. She urged all delegates to provide the feedback if they could not provide during two days.

In the end, Indrani Thuraisingham, Global Coordinator of Consumer Justice and Protection Programme, CI expressed her gratitude to all delegates for attending the meeting and providing valuable insights/feedback.