



UNGCP Briefing on Implementation

1. About the UN Guidelines for Consumer Protection

The United Nations Guidelines for Consumer Protection (UNGCP) were adopted by the UN in 1985 and act as an international reference point of the consumer movement. They give important legitimacy to the principles of consumer rights and practical support and guidance for developing national consumer protection legislation.

The UN Guidelines for Consumer Protection are available in six languages:

[Arabic](#) [Chinese](#) [English](#) [French](#) [Russian](#) [Spanish](#)

The guidelines best known section is Art 3, the list of '*legitimate needs*' of consumers, which currently reads as follows:

- (a) The protection of consumers from hazards to their health and safety;*
- (b) The promotion and protection of the economic interests of consumers;*
- (c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs;*
- (d) Consumer education, including education on the environmental, social and economic impacts of consumer choice;*
- (e) Availability of effective consumer redress;*
- (f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them*
- (g) The promotion of sustainable consumption patterns;*

For some years now, CI has 'translated' the list into our proposed clear consumer rights as follows:

- the right to the satisfaction of basic needs
- the right to safety
- the right to be informed
- the right to choose
- the right to be heard
- the right to redress
- the right to consumer education
- The right to a healthy environment.

During the current revision process we have proposed amendments and addition to the legitimate needs as follows:

To guideline 3 f) we propose the addition of: '*and for those views to be dealt with in an equitable manner*'.

We also propose two new '*legitimate needs*' as follows:

New 3 h): *Access to knowledge; that is, more equitable public access to the products and tools of human culture and learning; and*

New 3 i) : *Guaranteed access to essential goods and services;*

These amendments are to update the UNGCP, and indeed our own position, in the light of new developments in access to knowledge and the role of consumer associations, and to bring the guidelines closer to the 'right' to 'satisfaction of basic needs' on which the legitimate needs are too vague.

The guidelines are part of the work of the United Nations Conference on Trade and Development (UNCTAD) and their revision is being led by the Competition Law and Consumer Protection Policy section. In 1999, the guidelines were updated with a new section on sustainable consumption and production (section G) to reflect environmental concerns. In 2015 the guidelines will be updated again, this time incorporating new areas. CI will be lobbying on this and other areas of the guidelines.

2. CI's rationale for working on the revision of the UN Guidelines for Consumer Protection

CI's work on this is an essential part of our international advocacy. This revision presents an opportunity to improve consumer protection for billions of consumers around the world.

Consumer Justice and Protection is a Priority Issues Programme for Consumers International. The revision of the Guidelines is a key part of that programme for 2014.

3. Background and timetable

1985 UN Guidelines for Consumer Protection first adopted

1999 Last revision of Guidelines

2012 (July) UN conference on competition & consumer protection: CI make case for inclusion of financial services and privacy in text and access to basic goods and services in *legitimate needs*.

2013 (July) UN conference on 2015 revision

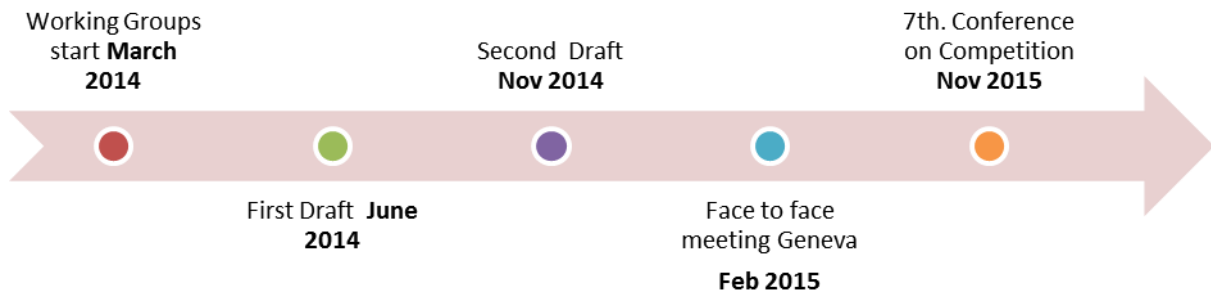
2013 (December) UN establishes four working groups (Financial services, E-commerce, Implementation, other issues) to draft the 2015 revisions.

2014 (March) Working groups start their work

2014-15 CI contributes to the 1st draft (June 2014) and 2nd draft (November) of the revised guidelines and lobbies for improved consumer protection on all four working groups.

2015 (Jan) UN meeting in Geneva with UNCTAD

2015 Secretariat report presented to the 7th UN Review Conference. Following this the final revision of the guidelines are expected to be adopted by the General Assembly in 2016.



4. CI's Activities

CI will participate in all 4 working groups. CI will:

- **Contribute to the redrafting** of the Guidelines text through the working groups.
- **Lobby** the chairs and members of the working groups.
- **Support members** with webinars, briefings and other materials to support member lobbying of their national delegations.

5. What is the Implementation working group

In July 2013, during the conference held in Geneva by the Ad-hoc expert group on consumer protection, a number of issues other than Financial Services and Electronic Commerce were raised by delegates as to be included in the Guidelines revision. One is Implementation, which will have its own working group.

The Implementation working group will look upon how the Guidelines can be effectively implemented in each country and how international and regional co-operation can make them operative. It will also discuss how the UN should assess compliance of the Guidelines from governments and which UN division should overlook this assessment.

6. Membership of the Implementation working group

It should be noted that membership of all working groups is open to all UN Members and accredited Organisations including Consumers International. The membership of the Groups may evolve over the consultation period (until the final text is agreed). The Implementation working group is chaired by Gabon.

7. CI Recommendations on Implementation: overview

CI's recommendations for revision of the UN Guidelines are based on consultation with CI members. The detailed text changes are set out in tracked changes in Annex A of our evidence to the Ad hoc expert group meeting in Geneva in July 2013. It can be found here: http://unctad.org/meetings/en/Contribution/IGE2013_UNGCP_CI_en.pdf

For a clearer reading, we recommend going through the comparative table we prepared to better understand the changes. We refer to the numbered paragraphs of the Guidelines as 'old para' when we refer to the existing paragraphs of the guidelines' text, and 'new para' when we refer to the paragraphs of our proposal.

It must be noted that the paragraph numeration changed in relation to the existing text due to our addition of new insertions, paragraphs and sections.

CI Recommends:

CI has made repeated reference to implementation in our proposals. Members might make use of the CI survey for World Consumer Rights Day 2013 which found that lack of compliance with existing legislation was one of the most common complaints of our members worldwide.

On National implementation we proposed the following changes:

Para 2: new insert referring to application within their jurisdictions of existing legislation.

Old para 6 (new 7), insertion on the existence of institutional infrastructure.

New para 8 between old 6 and 7: Reference to assessment of compliance with product safety and quality standards.

Old para 8 (new 12): insertion on capacity building and financial support for consumer associations to engage in policy development.

New para 10 between old 7 and 8: a reference on accessibility to all laws and non-statutory instruments freely and without restrictions.

Old para 10 (new 14): insertion on compliance of regulations with human, social, cultural and economic rights of all people

New insertion into old para 16 (new para 20) regards compliance with laws and regulations

Old para 30 (new 37) regarding independent testing.

Old para 32 (new 40) with an insertion on collective redress as a mean for consumer redress, and the existence of channels for complaints such as Ombudsmen.

Old para 38 (new 46) have an insertion about governments working together with consumer associations.

Old para 40 (new 48), an insertion on creation, dissemination and preservation of content in different languages.

On International implementation (cross borders and multilateral) we proposed the following changes:

Old para 10 (new 14): insertion on compliance of regulations with human, social, cultural and economic rights of all people should also be done in an international context.

Old para 26 (new 33) we insert that formulation of codes of conduct should be done also in a regional and international level.

Old para 28 (new 35), we added that implementation of standards should include the regional level.

Old para 63 (new 87), subpara (a) has an insertion that calls for harmonization of mechanisms for the exchange of information; and in subpara (b) we included enforcement of consumer rights across borders, as well as the development of dispute resolution mechanisms.

Old para 69 (new 93) on compliance with international principles that protect human rights and social, cultural and economic rights of all people.

Finally, on International monitoring we proposed a new para 94, that establishes:

“Governments should participate in the establishment and conduct of a standing Consumer Protection Commission under the auspices of the UN, to monitor the application of these guidelines and to report back on their application to the secretariat who should be given the resources to carry out periodic reviews of the global state of consumer protection.”

8. CI Members role

Members made a significant contribution to CI’s recommendations to strengthen the UN Guidelines for Consumer Protection. This was set out in our evidence submitted to UNCTAD for the conference in Geneva in July 2013. These recommendations will remain our position and much of the rest of the work is advocacy. Members can assist in the following ways:

- Provide CI with contacts to CI for your National delegations to UNCTAD
- Lobby your national delegation to support CI’s position on ‘implementation’.

9. Contacts at CI

- Antonino Serra Cambaceres will co-ordinate the Implementation work on the UN Guidelines for Consumer Protection, and is also managing CI’s programme of work across all of the Guidelines. aserra@consumidoresint.org

10. Next Steps

CI is already lobbying the relevant chairs of the Working Groups to advance our recommendations. Where relevant, CI will contact Members from key countries in the UNGCP revision to lobby their delegations.