

Establishing a universal framework for online consumer rights

Background

In today's age of extreme online consumption, the need for an international set of rules determining consumer rights is rapidly growing. Consumer protection guarantees that businesses may be held accountable for any questionable behavior violating the provider's set guidelines, while giving consumers the right to enable this protection in face of any inconvenience or problem related to the provider. Without consumer protection, consumers are exposed to risks pertaining to violation of their basic rights without having any system to fall back upon in their defense.

Most countries have at least a simple form of legislation providing consumer protection, while others are momentarily working on passing laws, but in either case, their depth varies greatly among nations. This can become a problem when the consumer and provider are not from the same country, thus resulting in complicated procedures meant to find a solution.

The reason as to why establishing a universal framework is difficult is because the forms of legislation protecting online consumers varies greatly. In some countries, legislation is anchored in their constitution, while other nations make use of laws or decrees, governmental agencies meant to protect consumer rights, cooperation with non-governmental organizations etc. These diverse methods working to establish online consumer protection make creating one great framework a problem. Though worked upon for years by the Social and Cultural Committee of the UN, with very important international collaborations bringing them closer to their goal, a fully viable solution has not yet been found. The rapidly growing amount of online consumption is urging countries to act fast, begging the question as to when the standard of full international cooperation can be met to finally establish a proper framework protecting consumers.

UN Involvement

Ever since the need for international framework on online consumer rights has arisen in the last century, the UN has worked on coming to a solution. It has therefore tasked the United Nations Conference on Trade and Development (UNCTD) with developing guidelines for consumer rights protection. The UNGCP, or The United Nations Guidelines for Consumer Protection, were first adopted in 1985, in resolution 39/248. They were later expanded by the the Economic and Social Council in one of their resolutions in 1999. The guidelines were revised in 2015, resolution 70/186.

These guidelines are controlled by the UNCTD, encouraging any countries that may be interested in their implementation to create and promote their awareness. To aid interested countries in doing so, the formation of The Intergovernmental Group of Experts was deemed necessary in 2016. With their first meeting held in Geneva in October 2016, their goal is to mentor countries in their quest to establish legislation. They also monitor governments currently working on this implementation while regularly reporting to the UNGCP.

Even though these guidelines apply to consumer protection as a whole, they do contain a section on e-commerce specifically. Thanks to this, governments have a certain set of principles to build off of, influencing international debate relating to this topic, as well as spurring countries to work together to

build a framework grounded by this set of recommendations. They also encourage governments to build legislation based on the United Nations Commission on International Trade Law (UNCITRAL), which first and foremost establishes rules related to electronic commerce.

Questions to Consider:

1. Does my country have any legislation pertaining to consumer rights? If so, what do they resemble, what is their form?
2. Has my country established any guidelines recommended by the UNGCP?
3. Could consumer protection enforce economic growth, or would it be counterproductive to my country's economy?
4. Is my country open to international work with the UN, and if so, to what extent?

Useful Links

United Nations Conference on Trade and Development (UNCTD):

<https://unctad.org/topic/competition-and-consumer-protection/un-guidelines-for-consumer-protection>

United Nations Guidelines on Consumer Protection (UNGCP):

https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf

The Logical Indian – an overview of the topic:

<https://thelogicalindian.com/law/understanding-consumer-rights-in-the-online-and-offline-world-40029>

World Consumer Protection Map – UNCTD:

<https://unctad.org/topic/competition-and-consumer-protection/consumer-protection-map>