

**Ad Hoc Expert Meeting on Consumer Protection: The interface between competition and consumer policies**

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**Session 5: Discussion on the need to revise the UN Guidelines for Consumer Protection**

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# Discussion on the need to revise the UN Guidelines on Consumer Protection



**Industria y Comercio**  
**SUPERINTENDENCIA**



**Libertad y Orden**  
Ministerio de Comercio, Industria y Turismo  
República de Colombia

**Prosperidad  
para todos**



# ***I. PROTECTING E- CONSUMERS***



# 1. Why establish special guidelines to protect e-consumers?

- 1. Information is more asymmetric in the electronic marketplace.*
- 2. The ease and speed of the e-activities may result in consumers entering into transactions without being aware of it.*
- 3. The digital networks allow children and other vulnerable populations, to play a a bigger role as consumers.*



# 1. Why establish special guidelines to protect e-consumers?

- 4. *Digital content products pose particular challenges.*
- 5. *Online payments present higher security threats than traditional payments.*



# 1. Why establish special guidelines to protect e-consumers?

6. *Uncertainty of applicable law and jurisdiction and of availability of effective redress mechanisms.*
7. *Online activities pose particular challenges to privacy and personal data protection.*



## 2. What should the UN Guidelines consider?

1. *E-consumer protection shouldn't be limited to e-commerce transactions, and should consider other practices affecting consumers, related to commercial activities or conducted with commercial purposes.*

*E.g. Spam, Personal Data Collection and Use*

2. *Principle of Technological Neutrality.*

3. *Policies should consider the need to provide the conditions under which all consumers can benefit from the use of the technologies.*



## 2. What should the UN Guidelines consider?

4. *Recognition of the special vulnerability of consumers online.*
5. *Sellers/companies conducting activities online should be subject to higher standards of conduct, and special duties of information.*
6. *Special attention should be given to the development of effective cross-border redress systems and international cooperation mechanisms.*





## 2. What should the UN Guidelines consider?

7. *E-consumer education should be considered essential.*
8. *Governments should develop or maintain policies aimed at protecting consumers' privacy and personal data, specially on their online activities.*



## ***II. PROTECTING UNDERAGE CONSUMERS***



# 1. Why establish special guidelines to protect underage consumers?

## UN DECLARATION OF THE RIGHTS OF THE CHILD

*“WHEREAS the child, by reason of his physical and mental immaturity, needs special safeguards and care (...).”*



# 1. Why establish special guidelines to protect underage consumers?

1. TO ENSURE THE CHILD SUCH PROTECTION AS IS NECESSARY FOR HIS OR HER WELL BEING

“States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures”.

*Art.3.2, UN Convention of the Rights of Children.*



# 1. Why establish special guidelines to protect underage consumers?

## 2. TO PROTECT CHILDREN FROM INJURIOUS INFORMATION AND MATERIAL

*“States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.*

*To this end, States Parties shall: (...) e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.”*

Art 17, UN Convention of the Rights of Children.



# 1. Why establish special guidelines to protect underage consumers?

## 3. TO PROTECT CHILDREN'S PRIVACY

*“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honor and reputation.*

*“The child has the right to the protection of the law against such interference or attacks”.*

*Art.16, UN Convention of the Rights of Children.*



# 1. Why establish special guidelines to protect underage consumers?

4. TO ENSURE CHILDREN EDUCATION THAT PROMOTES HIS OR HER DEVELOPMENT

*“States Parties agree that the education of the child shall be directed to: (...) a. The development of the child's personality, talents and mental and physical abilities to their fullest potential”.* Art.29, UN Convention of the Rights of Children.



# Thank you

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