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Contribution

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UNCTAD

Due Process of Consumer Protection:

a Study of the United Nations Guidelines on Consumer Protection 2015

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Due Process :

where rights or interests are affected, the person should be treated fairly.

Fairness :

Substantive fairness: means that a person is treated in accordance with the legal standards applying in a given context;

Procedural fairness: requires procedures that lead to the substantively fair outcomes, while at the same time respecting other general values and principles of the society.

General Principles of Due Process

- each person, should be treated fairly
- fair treatment serves as threshold
- respect for persons > fair treatment > substantive standards > processes
- respecting a right requires: legal standards, institution and procedures

Due Process for Consumer

- diversity, but no exclusion
- legal standard
- institution and dispute resolution

Purpose: to apply law accurately and fairly

- (i) gravity of the right or interest is issue;
- (ii) the difficulties implicit in deciding the case;
- (iii) ease of access by the consumer;
- (iv) low cost to the consumer;
- (v) the need to treat the consumer respectfully in considering complaints;
- (vi) timeliness in decision-making.

OBOR (One Belt One Road) Initiative

- Consumer issue
- Cross-border and e-commerce
- Reconsideration
- Applying UNGCP to OBOR

Major proposed corridors



Thank you.



OBOR Programme, University of Oxford
<https://www.law.ox.ac.uk/one-belt-one-road>