
Intergovernmental Group of Experts on Consumer Law and Policy
(IGE Consumer)

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Keynote speech

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Sustainable Development Goals and the UNGCP

Sothi Rachagan

Focus of Presentation

- 1. Commonality of the objectives and guiding principles of the two documents.**
- 2. Need for SDG 16 to focus on the civil justice system and legal empowerment.**
- 3. Making the civil justice system serve consumer needs.**
- 4. Quality control of consumer ADR mechanisms.**

SDG 16 and the Civil Justice System

SDG 16: “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.”

Target 16.3: “Promote the rule of law at the national and international levels and ensure equal access to justice for all.”

Indicators for Target 16.3:

“16.3.1 Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms
16.3.2 Unsentenced detainees as a proportion of overall prison population.”

Absence of targets for civil justice system and legal empowerment.

Civil Justice System & Consumer Needs

Area most people have a problem in justice system is with regards civil law, not criminal law.

Global Insights on Access to Justice: Findings from the World Justice Project General Population Poll issued in April 2018.

Largest % of respondents in 35 of the 45 countries surveyed faced consumer disputes or problems.

In remaining 10 countries, consumer disputes and problems came second to housing.

Regional Confidence in Judicial Systems and Courts

	Yes	No	Don't know / Refused
Asia	65%	25%	10%
Europe	49%	45%	6%
Sub-Saharan Africa	48%	45%	7%
Middle East and North Africa	47%	38%	15%
Northern America	47%	52%	0%
Latin America and the Caribbean	35%	59%	6%
Former Soviet Union	28%	55%	17%

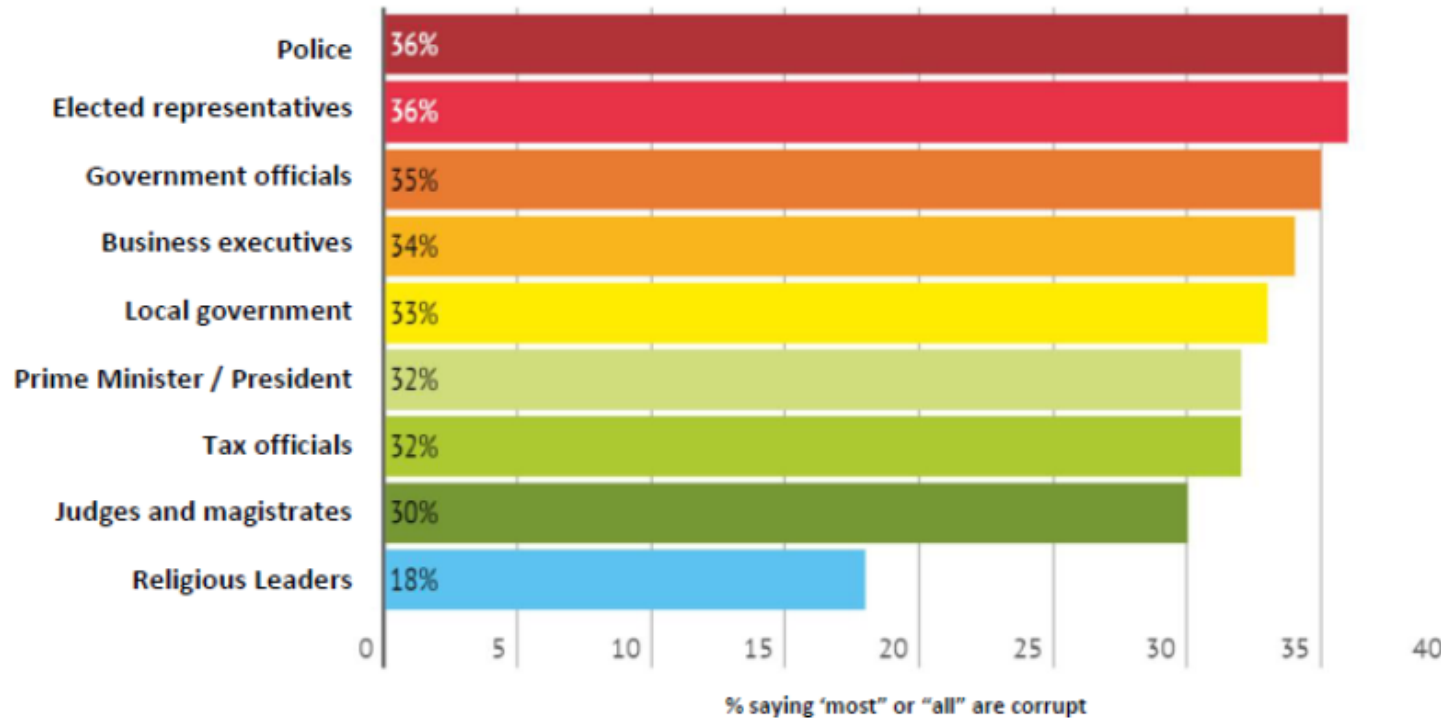
All results are based on 2013 survey data.

Survey results for Asia do not include China, Middle East and North Africa results do not include Jordan, Syria, Egypt, Libya, Algeria, or Gulf Cooperation Council countries.

GALLUP

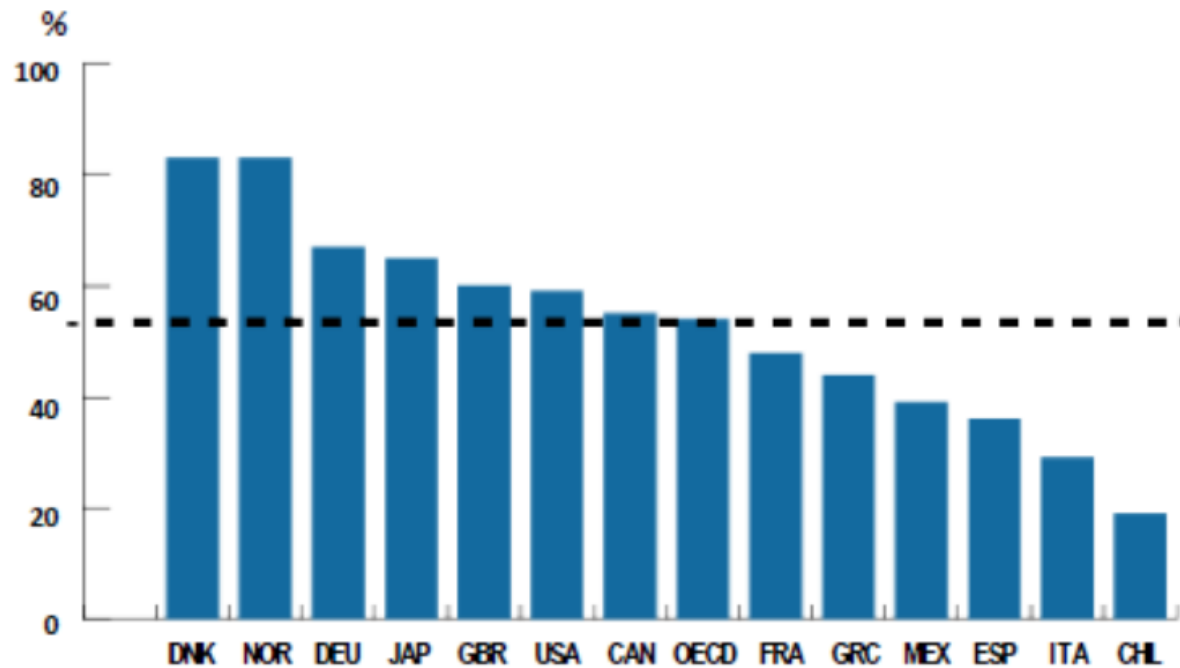
Perception of Corruption - Global Average

Key Public Sector Institutions



Source: Transparency International, Global Corruption Barometer 2017, p.5.

Citizen confidence in the judicial system (2014)



Source: Gallup world Poll from Government at a Glance 2015

Judiciary - Percentage who had interacted and paid bribes

Region	Percentage who had contact in past year	Percentage who paid bribes
Africa	20%	21%
Latin America	20%	18%
Newly Independent States	8%	15%
South East Europe	9%	9%
Asia-Pacific	5%	15%
EU / other Western European countries	19%	1%
North America	23%	2%

Source : Transparency International, Global Corruption Report 2007, p.17.

Reasons for Lack of Confidence

- **Court rules that are not user friendly**
- **Court experience – delay, cost, formality, etc.**
- **Political and power group influence**
- **Bribery**

Quality Control of ADR Mechanisms

- * **Accessibility**
- * **Awareness**
- * **Expertise**
- * **Transparency**
- * **Effectiveness**
- * **Accountability**
- * **Fairness**
- * **Voluntariness**
- * **Legality**
- * **Coverage**
- * **Special consideration for disadvantaged and vulnerable**

*United Nations Conference on Trade and Development. (2018, April 30).
Dispute Resolution and Redress - Note by the UNCTAD Secretariat,
TD/B/C.I/CPLP/11.*

Additional Considerations

- **Publicly funded Tribunal for Consumer Complaints complemented by industry funded specialised tribunals/ombudsmen schemes.**
- **All tribunals/ombudsmen are statute based with regulations that ensure fairness, transparency and accountability.**
(Avoid 'shall-may' confusion malady)
- **Free to consumers, with option for consumers to reject award and seek redress in courts.**

Additional Considerations

- **Provide individual and collective redress, identify systemic problems, suggest solutions and report on progress made.**
- **Provide user data.**
- **Provide for regular periodic independent reviews with suggestions for improvement.**

Conclusion

- **View civil justice system and legal empowerment as critical components of SDG 16 so that mandate in para 37 – 41 of UNGCP may be realised.**
- **Focus on making civil justice system meet consumer needs.**
- **Include in UNCTAD and IGE work programme the drafting of a Code of Good Practice on Consumer ADR (can be basis for national guidelines or statutes).**

References

- **Sothi Rachagan, Sustainable Development Goals and the UN Guidelines for Consumer Protection, Keynote Address delivered at the Intergovernmental Group of Experts on Consumer Protection Law and Policy, Third Session, Geneva, 9 July 2018**
- **Sothi Rachagan and Shivani Sothirachagan, Access to Justice – Addressing Consumer Redress in Malaysia, Contribution from Nilai University, Agenda Item 3d. Dispute resolution and redress, Intergovernmental Group of Experts on Consumer Protection Law and Policy, Third Session, Geneva, 10 July 2018.**

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Thank you.

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