

# CONNECTING VOICES:

## a role for consumer rights in developing digital society

Produced by Consumers International  
for the Ford Foundation



**CONSUMERS  
INTERNATIONAL**  
COMING TOGETHER  
FOR CHANGE

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Consumers International brings together over 200 member organisations in more than 100 countries to empower and champion the rights of consumers everywhere. We are their voice in international policy-making forums and the global marketplace to ensure they are treated safely, fairly and honestly.

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# III. EXECUTIVE SUMMARY

Digital technology and innovations are bringing many benefits to communities across the globe. They are identifying new solutions to social problems, creating new markets, jobs, providing educational opportunities and catalysing economic growth. Yet progress is uneven and in many developing countries there are still major gaps in consumer access, participation, freedom and security online.

Currently over half of the world's population does not have access to the internet<sup>1</sup> and only 34% of the least developed countries have data protection and cybersecurity laws in place.<sup>2</sup> As digital innovations and services evolve and increasingly become part of everyday lives, ensuring the right protections and foundations are in place will be vital to making sure the full benefits of a strong digital society are felt by all.

This research looks at; how consumer digital issues are presenting themselves in a range of developing countries, the capacity of consumer organisations to tackle these issues and the opportunities for achieving positive change through collaborating with other influential actors including digital rights organisations and processes.

The purpose of the report is to support the development of an agenda that identifies opportunities for synergies in consumer protection and digital rights in developing countries. The findings will inform the work of other international, regional and national organisations and funders.

## OUR RESEARCH REVEALED:

- 1. The main challenges are access, affordability, inclusion, establishing appropriate legal frameworks and a free and open internet.** These large-scale challenges cut across national borders and are subject to various local political cultural and economic conditions. However, there are obviously significant variations in consumers' digital experiences within countries and regions.
- 2. Digital rights and consumer rights groups are working on similar topics but often parallel to each other.** They are aware of significant overlap between citizen and consumer rights concerning digital issues and can see the benefits of working together, but a lack of in depth understanding of the others' perspective, lack of financial and human capacity and differences in approaches to advocacy and campaigns strategies make this hard.
- 3. External factors impact all groups and their advocacy strategies and successes.** Political, economic, legal, social and technological factors can slow down or distort civil society's attempts to improve digital development and digital rights. Factors include; low literacy levels, government manipulation of existing legislation, corruption and culturally specific understandings of terms such as 'rights'. It is important for civil society, international organisations and funders to understand the nature of these challenges and the context in which they sit in order to effectively address digital development and digital rights.

<sup>1</sup> "4 billion people still don't have internet access. Here's how to connect them." World Economic Forum, May 2016.

See: <https://www.weforum.org/agenda/2016/05/4-billion-people-still-don-t-have-internet-access-here-s-how-to-connect-them/>

<sup>2</sup> Cybercrime Legislation Worldwide, UNCTAD Website, see: [http://unctad.org/en/Pages/DTL/STI\\_and\\_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx](http://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx)

**4. It is difficult for consumer rights and digital rights organisations to influence internet policy processes at a regional and global level.** The spaces dedicated to internet governance at a regional and global level are hard for groups to penetrate. Achieving representation and influence comes as a result of relationships or technical expertise built over many years. This may therefore be hard to replicate for digital policy processes, especially for developing countries.

**5. Building a coordinated alliance of consumer rights and digital rights organisations could help influence where digital policy is made.** Our research suggests there is much to gain from consumer rights and digital rights organisations working more closely together. Both groups could gain technical knowledge and new ways of framing issues and campaigning. It could also help better allocate resources and target opportunities more effectively. However, concerns were also highlighted about the difficulties of bringing organisations from different sectors of civil society together.

## RECOMMENDATIONS

Our research indicates that international funders and agencies looking to support long-term, systemic change in digital consumer protection and empowerment would be best placed to:

- 1. Support locally relevant research.** Most research on digital issues is focused on the experiences of individuals in high-income countries. By supporting research on digital issues in developing countries or by compelling countries to publish relevant data, all groups' understandings of digital issues will improve. This will in turn help define priorities for advocacy work.
- 2. Invest in capacity building and leadership.** Long-term commitment to funding core costs, training consumer movement leaders and making international policy fora more accessible to civil society has the potential to increase the capacity and efficacy of the consumer movement. Investing in the development of consumer organisations' knowledge and leadership will add weight to many of the issues digital rights groups are advocating for.
- 3. Sponsor new partnerships.** Collaboration between consumer rights and digital rights groups will allow both groups to improve their knowledge of digital issues. It will also give them the opportunity to make the most of existing networks within a country. International funders and international agencies can use their connections in any given country to broker partnerships between these groups.
- 4. Convene key actors.** The ever-evolving nature of technology means it is hard for policy makers and regulation to keep pace. Fast-paced effective solutions will only be delivered through the engagement of the main progressive actors in the digital space, including business. International funders and agencies are well placed to use their large networks to convene key stakeholders from civil society, government, regulatory bodies and business.
- 5. Change the arc of the conversation.** New conversations can be shaped by challenging the perceived divides between consumer regulations and public interest. This will allow a diverse range of groups to work more effectively together and combine their knowledge and resources. This could be done by opening up invitations and platforms to civil society.

The research, commissioned by the Ford Foundation was carried out by Consumers International from November 2016 to June 2017, drawing on intelligence from its global network of member organizations, secondary research sources, qualitative research and consultation with digital rights groups, international organizations and academics.

# 1. INTRODUCTION

## 1.1 PROJECT OBJECTIVES

Protecting and promoting the benefits of the digital economy in all countries of the world requires consumers to have access to reliable digital services and to trust that they are fair and safe. Consumers International believes that consumer rights are central to a fair and equitable digital economy that delivers social and economic benefits to people around the world. Supporting consumer organisations to define how these rights can be protected and promoted in low and middle-income economies and developing capacity to support effective advocacy will help to ensure that the development of digital technology supports the economy and society.

The purpose of this project is to support the development of an agenda and identify opportunities for synergies in consumer protection and digital rights in developing countries. The findings will inform the work of other international, regional and national organisations.

### **Objectives:**

1. To define the key digital rights issues for consumers in developing countries, understand the scale and nature of the challenge and any initiatives that have sought to defend or promote these rights.
2. To map the international and regional processes and organisations that are engaged in these issues and the opportunities and potential they have to support digital consumer protection in developing countries.
3. To assess the capacity of consumer organisations to engage effectively on digital consumer issues and the political opportunities to deliver change in relevant countries.

## 1.2 RESEARCH APPROACH AND METHODOLOGY

Our research approach is based on building an understanding of three interrelated factors in order to identify and assess future action: (1) the way in which consumer digital issues are presenting themselves; (2) the knowledge and capacity of consumer organisations to tackle these issues and (3) the opportunities for achieving positive change for consumers through collaborating with other influential actors and processes. As the global federation of consumer rights organisations, Consumers International has direct access and relationships with over 200 members worldwide, 150 of which are based in 90 developing countries.

An online survey was carried out directed to senior policy staff in Consumers International's member organisations. The countries for further study were selected from the survey, based on location, engagement or activity on digital issues (however small), strategic importance, or links to a strong digital rights culture in the country. Of the 23 countries chosen for further analysis, there are 31 consumer organisations. The countries have been grouped into three regions, for ease of presentation, Turkey and Lebanon have been grouped together with Africa.



## Box 1 Countries under consideration in the study

Latin America	Argentina; Brazil; Chile; Costa Rica; Mexico; Nicaragua; Peru; Venezuela
Africa and the Middle East	Chad; DRC; Ivory Coast; Kenya; Nigeria; South Africa; Uganda; Lebanon; Turkey
Asia Pacific	Fiji; India; Indonesia; Pakistan; Philippines; Thailand

Using both primary and secondary research with consumer organisations, the major digital trends and impacts on consumers in developing countries have been mapped using an existing framework for understanding consumer digital rights. This framework and its findings were tested and developed with Consumers International's members from Asia Pacific (India, Indonesia, Thailand, Malaysia, Fiji, Philippines, and Pakistan) at a regional workshop in November 2016, and at a workshop in February 2017 with members in the Middle East and North Africa including Lebanon, Libya, Yemen, Morocco and Sudan.

A workshop organised by the Ford Foundation at the International Freedom Foundation in Valencia in March 2017 provided an excellent opportunity to consult and discuss with digital rights and internet freedom organisations about the issues impacting people and approaches to change.<sup>3</sup>

## Box 2 What do we mean by digital rights, internet freedom and consumer digital rights?

Throughout this report the term '**internet freedom**' means the right of all individuals to seek, receive and impart information and ideas of all kinds through the Internet.

Internet freedom is compromised when censorship of information online occurs due to: arbitrary blocking or filtering of content; criminalisation of legitimate expression; prevention of access to knowledge; imposition of intermediary liability; disconnecting users from Internet access, cyberattacks; and inadequate protection of the right to privacy and data protection. These rights are sometimes known as '**digital rights**'.

We use the term '**digital rights organisations**' to refer the whole range of activity undertaken by internet freedom or digital rights groups. Where consumer rights cross over with digital activity, we use the term 'consumer digital rights'. This understanding is broad, and covers all consumers whether online or not.

Individual interviews with international experts and local organisations were then carried out in order to; review the conclusions drawn from desk research, find out more about digital rights activity in countries and make links between consumer organisations and digital rights organisations. The aim was to identify the potential for working together to achieve better rights for people across the whole digital environment, in theory and in practice.

<sup>3</sup> See discussion paper presented at workshop in Appendix 1



Desk research into national political opportunities and international and regional processes and organisations was undertaken. The results were checked by interviews with experts from digital rights, consumer organisations and international bodies. The purpose of this was to review the conclusions drawn from desk research and to find out more about the practical reality of working with different stakeholders on the identified opportunities. Countries were prioritised based on the existence of digital rights activity and the potential of national organisations to support research and advocacy.

## 1.3 STRUCTURE OF THE REPORT

**PART ONE** discussed the objectives of the report and the research methodology.

**PART TWO** explores the importance of tackling digital issues globally and considers the role of people as consumers in the digital society. It presents Consumers International's ten-point framework for consumer protection and empowerment and explains the necessary addition of an eleventh point.

**PART THREE** uses the eleven points in the expanded framework to explore digital rights' impacts on consumers in developing countries.

**PART FOUR** takes a broader look at the environment in which the eleven-point framework exists. It identifies the contextual challenges and political opportunities that impact digital development in Latin America, Africa and the Middle East and Asia Pacific, and considers what the amalgamation of these factors mean for advocacy strategies.

**PART FIVE** identifies the key regional and global sites for digital policy making. It assesses the capacity of consumer organisations and considers the difficulties both digital rights organisations and consumer organisations face when trying to influence regional and international policy making processes.

**PART SIX** considers the opportunity for consumer and digital rights organisations to work together in a more effective way in order to achieve a stronger digital society for consumers and citizens.

**PART SEVEN** suggests ways in which international funders and agencies could support the joint work of consumer and digital rights organisations, making specific recommendations for the type of activity they could fund.



## 2. DIGITAL CONSUMER RIGHTS IN DEVELOPING COUNTRIES

This section begins with an exploration of the importance of tackling digital consumer rights globally. It then introduces Consumers International's ten-point framework for analysing consumer protection and empowerment in the digital economy and society.

### 2.1 THE IMPORTANCE OF A STRONGER DIGITAL SOCIETY FOR EVERYONE

By opening up opportunities for individuals, communities and national economies alike, digital products and services have the potential to bring a wide range of benefits to developing countries. The economic opportunities alone are staggering: connecting the rest of the world's population to the internet would mean an increase in economic activity that could generate \$2.2 trillion in additional GDP and more than 140 million new jobs.<sup>4</sup>

Several innovations have already demonstrated the benefits of implementing digital services across the public and private spheres. People living in remote areas and those underserved by traditional banks are now able to access financial services such as peer-to-peer lending, micro loans, insurance products etc via mobile phones thanks to innovations in FinTech. The M-Pesa mobile payment service has reportedly helped lift 2% of households in Kenya out of poverty.<sup>5</sup> In addition, the growth of national e-commerce markets provides consumers with a greater choice of product and access to redress, previously denied to consumers in many parts of the world.

These benefits are also replicated in the public sphere. Founded in January 2016 by a Togolese start-up, the OkpaBac app holds a variety of resources needed to prepare for the Baccalaureate exams<sup>6</sup> which determine university admissions for thousands of students across Francophone Africa. In Nigeria, civic participation has been bolstered by the Every Vote Counts (EVC) app which allows users to report incidents such as electoral fraud at polling booths and upload pictures as evidence.<sup>7</sup>

The societal benefits of digital services are making a big impact on peoples' lives. In Kyuso Kenya, the introduction of a smart hand pump with sensors to detect faults, allows fixes to be carried out more quickly.<sup>8</sup> In health, the iCliniq app developed in India, allows individuals to search for medical advice online or consult with doctors via video call. Patients' records can also be stored in cloud databases which allows practitioners to access a patient's medical history quickly and more easily.<sup>9</sup>

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4 Deloitte, Value of connectivity, February 2014. See: <https://www2.deloitte.com/ie/en/pages/technology-media-and-telecommunications/articles/value-of-connectivity.html>

5 'Research Shows Mobile Banking Lifting Hundreds of Thousands from Poverty', Fortune, 2016. See: <http://fortune.com/2016/12/10/mobile-banking-poverty-research/>

6 "Togo: OkpaBac, the app that helps you prepare for the Bac", Tech of Africa, January 2016, see: <https://www.techofafrica.com/togo-okpabac-lapplication-aide-a-preparer-bac/>

7 Every Vote Counts website, see: <https://www.everyvotecounts.org.uk/>

8 'Mobile technology to fix hand pumps in Africa', University of Oxford, 2012. See: <http://www.ox.ac.uk/news/2012-06-08-mobile-technology-fix-hand-pumps-africa>

9 'How technology is boosting healthcare in India', Dataquest India, January 2012. See: <http://www.dqindia.com/how-technology-dose-boosting-healthcare-in-india/>

In all of these examples, a stronger digital society has improved the delivery of essential utilities, brought new solutions to social problems or enhanced existing services. These innovations not only lift people out of poverty, they can also contribute to a more sustainable future and the realisation of targets like the UN Sustainable Development Goals.

## 2.2 THE ROLE OF CONSUMERS IN THE DIGITAL SOCIETY AND ECONOMY

The concept of the 'consumer-citizen' is important in understanding digital and consumer rights. Consumer rights are not only about the customer transaction and aftercare, they also encompass a consumer's right to basic services, their consumption of non-monetised resources such as a healthy environment and consumer responsibility for the environmental and social consequences of consumption choices. Consumer-citizen choices reflect and shape society, the environment and touch on bigger social, economic and political questions, such as how rights to basic needs informs development.

**“At the end of the day, we need to appreciate that all of these issues are part of a tapestry, we can't pull one out without affecting the others.”**

**Lilian Nalwoga, CIPESA**

In the digital world, there is an added dimension where key rights such as freedom of information, rights to participation and freedom of expression are all affected by companies and consumption patterns. Digital technology is changing the nature of consumption, with data becoming an increasingly important commodity, despite consumers often not being aware of the value exchange. This also demonstrates the importance of the consumer-citizen concept as data is also closely related to privacy, a basic human right.

**“the business model of the internet has been based on surveillance. The more data a company has about a user, the more targeted its advertisement can be, and the more an advertiser will pay to post their ad”**

**Digital rights expert, Global NGO**

This wider concept of a consumer and their place in the digital society, and relationship to other internet rights is helpful in understanding how this tapestry fits together. This understanding is particularly important in low and middle-income countries, where consumers are more deeply involved in a wide range of digital services from the moment they are first connected to the internet.

In higher income countries people have gradually gained experience as digital *consumers* as the services developed. As technological developments occurred, consumer protection frameworks were largely adapted to cover new circumstances and detriments. For example, the European Privacy and Electronic Communications Directive in 2002,<sup>10</sup> and the Korean Digital Signature Act (DSA) which was brought in in 1999, five years after the world's first officially recognised online purchase.<sup>11</sup>

For people coming online over the past 10 years, the vast proportion from Asia, Africa and Latin America, their initial experience with digital is relatively advanced and complex. Some of these countries had not even developed an effective consumer protection framework for traditional transactions, let alone a framework to protect consumers online. Thus, they are not protected from unsafe, unfair or unethical practice, and cannot easily balance out the disadvantage they are at with the more powerful companies and governments they encounter.

**“Practices are sometimes so bad as large numbers of people are being connected very rapidly and maybe there is a link also between insecurity in some countries and population’s need for privacy”.**<sup>12</sup>

**Craig Fagan, Policy Director at the World Wide Web Foundation**

## 2.3 CONSUMERS INTERNATIONAL TEN-POINT FRAMEWORK FOR CONSUMER PROTECTION AND EMPOWERMENT

The framework below was developed by Consumers International in consultation with its members,<sup>13</sup> to understand consumer rights in the digital world by mapping map consumer rights and legitimate needs against the features of the digital economy. It is based on internationally recognised frameworks: the UN Guidelines for Consumer Protection, plus rights from the Universal Declaration of Human Rights which have a tangible impact on consumers in their digital interactions, specifically privacy and data protection rights.

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10 Directive 2002/58/EC of the European Parliament and of the council of 12 July 2002. See: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32002L0058>

11 K. H. Sohn. 'Privacy and security protection under Korean e-commerce law and proposals for its improvements', January 2015. See: [http://arizonajournal.org/wp-content/uploads/2016/04/19\\_Sohn\\_229.pdf](http://arizonajournal.org/wp-content/uploads/2016/04/19_Sohn_229.pdf)

12 Craig Fagan, World Wide Web Foundation

13 It has gone through several iterations in consultation with our members, including a workshop in London and a workshop with many of our developing country members from Asia Pacific (India, Indonesia, Thailand, Fiji, Philippines, and Pakistan) and representation from Africa (Nigeria) at a regional workshop in Hong Kong. We have also discussed the topics with our members in the Middle East including Lebanon, Libya, Yemen, Morocco and Sudan, and through a member wide consultation as part of Consumers International's work on influencing the G20 agenda for consumer digital rights (see Appendix 3)

**Table 1 Framework for consumer protection and empowerment**

**FRAMEWORK FOR CONSUMER PROTECTION AND EMPOWERMENT**

To build a digital world consumers can trust, action must be taken in the following areas:

1. **Access and inclusion:** consumer access to an affordable, good quality and reliable internet connection
2. **Disclosure and transparency:** consumer access to accurate and meaningful information about digital products and services
3. **Security and safety:** secure online interactions and safe digital environments
4. **Data protection and privacy online:** consumer control and understanding of their data online
5. **Competition and choice:** consumer choice of digital providers, products and services in a competitive market
6. **Fair use and clear ownership:** rights to fair use and ability to understand complex connected products
7. **Redress and complaint handling:** consumer access to effective redress
8. **Digital education and awareness:** supporting consumers to develop skills and confidence to manage risks and opportunities.
9. **Regulatory framework:** effective governance and consumer representation
10. **Responsible business conduct:** treating consumers fairly, good governance and accountability.

CONSUMERS INTERNATIONAL, 2017

The original intention was that for framework to guide the research and analysis of key digital rights issues for consumers in developing countries. To ensure that we understood the full range and impact of digital rights issues, we wanted to research the issues that impacted on people as citizens as well as consumers. There is much overlap between the two areas, although they are often expressed differently, with consumer issues being talked about in terms of protection and economic empowerment, and citizen issues more often articulated as 'internet freedom'.

However, once the framework had been used to map digital rights issues for citizens against consumers, it was found that the issue of openness and freedom on the internet, whilst relevant to many of the framework elements such as access and disclosure and transparency, did not have a direct corresponding element in the consumer protection and empowerment framework. Therefore, openness and freedom has been added as the eleventh analytical category.

Below is the table showing the results of a mapping exercise that plotted digital issues for consumers and citizens.

**Table 2 Mapping digital rights for consumers and citizens**

CONSUMERS	DIGITAL RIGHTS FOR PEOPLE AS...	CITIZENS
1. Access and inclusion		
<ul style="list-style-type: none"> <li>Affordable access and devices</li> <li>Quality, reliable connection</li> <li>Relevant content</li> <li>Right to cap-free internet</li> </ul>	<ul style="list-style-type: none"> <li>Right to have basic needs met</li> <li>Right to development Freedom from online harassment</li> <li>Infrastructure for remote areas</li> </ul>	<ul style="list-style-type: none"> <li>Equality and inclusion</li> <li>Freedom of expression</li> <li>Freedom of association</li> <li>Open networks</li> </ul>
2. Disclosure and transparency		
<ul style="list-style-type: none"> <li>Meaningful information, easy to access and understand</li> <li>Fair contracts</li> <li>Informed choices</li> </ul>	<ul style="list-style-type: none"> <li>Transparent business models &amp; terms of use</li> <li>Free press, Freedom of information</li> </ul>	<ul style="list-style-type: none"> <li>Right to communication</li> <li>Freedom of expression, end to censorship</li> <li>Filtering/content controls</li> </ul>
3. Security and safety		
<ul style="list-style-type: none"> <li>Data protection/ security from fraud/loss</li> <li>Redress for breaches</li> <li>Safety for vulnerable consumers online</li> <li>Right to safe digital products and services</li> </ul>	<ul style="list-style-type: none"> <li>Transparency on data breaches</li> <li>Secure public services particularly for sensitive data such as health</li> <li>Rights to privacy and security of data</li> <li>People are who they say they are (digital ID)</li> </ul>	<ul style="list-style-type: none"> <li>Safe space for all online: women, minority groups, children, free from hate speech</li> <li>Cybersecurity</li> </ul>
4. Data protection and privacy online		
<ul style="list-style-type: none"> <li>Privacy – end to corporate surveillance</li> <li>Freedom from invasive marketing</li> <li>End to price/quality/service discrimination</li> <li>Special provisions for sensitive data vulnerable consumers</li> </ul>	<ul style="list-style-type: none"> <li>Right to privacy</li> <li>Data protection/security</li> <li>Right to be forgotten</li> </ul>	<ul style="list-style-type: none"> <li>Freedom from state surveillance</li> <li>End to data-led bias in decisions about jobs, education, justice, public service etc</li> <li>Special provisions for sensitive data and vulnerable citizens</li> </ul>
5. Competition and choice		
<ul style="list-style-type: none"> <li>Choice of provider and ability to switch easily Merger control, recognition of data holders advantage</li> </ul>	<ul style="list-style-type: none"> <li>Fair choice regardless of location</li> <li>Fair, inclusive markets</li> </ul>	<ul style="list-style-type: none"> <li>Rights to access justice</li> </ul>
6. Fair use and clear ownership		
<ul style="list-style-type: none"> <li>Rights to repair</li> <li>Right to reply/due process for automated sanctions</li> <li>Reasonable lifespan and support</li> </ul>	<ul style="list-style-type: none"> <li>Fair copyright regimes</li> <li>Digital rights management</li> <li>Fair use</li> </ul>	<ul style="list-style-type: none"> <li>Access to knowledge</li> </ul>
7. Redress and complaint handling		
<ul style="list-style-type: none"> <li>Right to redress</li> <li>Easy, simple and cost-effective access</li> </ul>	<ul style="list-style-type: none"> <li>Rights to access justice and a fair hearing</li> </ul>	<ul style="list-style-type: none"> <li>Rights to access justice and be compensated for harms</li> </ul>
8. Digital education and awareness		
<ul style="list-style-type: none"> <li>Right to consumer education</li> <li>Make systems and products easy to use</li> </ul>	<ul style="list-style-type: none"> <li>Rights to education to manage risks and maximise opportunities online</li> </ul>	<ul style="list-style-type: none"> <li>Rights to digital literacy provision</li> <li>Local language provision</li> </ul>
9. Regulatory framework		
<ul style="list-style-type: none"> <li>Rights to be heard in digital policy making</li> <li>Processes for companies to respond to consumers</li> </ul>	<ul style="list-style-type: none"> <li>Transparency of processes</li> <li>Diversity of voices in internet governance</li> </ul>	<ul style="list-style-type: none"> <li>e-voting</li> <li>Civic and political participation, online protests</li> <li>Freedom of information</li> </ul>
10. Responsible business practice		
<ul style="list-style-type: none"> <li>End to price/quality/service discrimination</li> <li>Accountable information/content</li> <li>End to lower standards for Lower income countries</li> </ul>	<ul style="list-style-type: none"> <li>Companies meet Human Rights obligations Ethical data supply chains</li> </ul>	<ul style="list-style-type: none"> <li>Duty of care</li> <li>Employee conditions: fair treatment, free from surveillance</li> </ul>
11. Openness and freedom		
<ul style="list-style-type: none"> <li>Access to content</li> <li>Reliable and verifiable sources</li> </ul>	<ul style="list-style-type: none"> <li>Freedom of expression</li> <li>Free from online harassment</li> </ul>	<ul style="list-style-type: none"> <li>Freedom of association</li> <li>Free from censorship</li> </ul>



## 2.4 HYPOTHESIS

As table 2 shows, the core elements of the consumer protection and empowerment in the digital rights sphere closely relate to internet freedoms. We felt openness and freedom required its own, new element in the framework because of how important it is to the achievement of both consumer and citizen digital rights. This was most strikingly shown in the case of internet shutdowns, highlighted throughout our research interviews, which impact not only democratic freedoms but on consumer rights and other economic activity. This led us to the hypothesis that there is great potential and benefit in consumer and digital rights organisations collaborating to achieve change. This approach will be examined in detail in section 6.

In the next section we use the expanded framework for consumer protection and empowerment to consider the scale of digital issues in developing countries.





# 3. THE SCALE OF DIGITAL RIGHTS ISSUES FOR CONSUMERS IN DEVELOPING COUNTRIES

This section of the report uses the eleven points in the expanded framework to explore how digital rights impact on consumers in developing countries. This is supplemented by examples of the activities Consumers International members are doing to promote and defend consumer rights. This section draws on the detailed country research that can be found in the Research Report and Consumers International's 2016 membership survey.

It is important to note that the digital rights issues that have the most profile in a country often reflect a country's stage of digital development, with societies in the early stages of digital development predominantly focused on issues of access and affordability. However, people are exposed to a range of other issues from the moment they have internet access, or even before, if they surrender digital consumer rights in exchange for connection.<sup>14</sup>

## 3.1 ACCESS AND INCLUSION

### 3.1.1 PENETRATION

Access can be affected by availability of services, their cost and the reliability of those services.

Of the regions considered by our research, Africa and the Middle East has the lowest levels of internet penetration meaning consumers in this region find it hardest to access the internet. Mobile internet penetration is increasing levels of access rapidly across all regions. However, it is often more expensive and of a lower quality than landline connections.

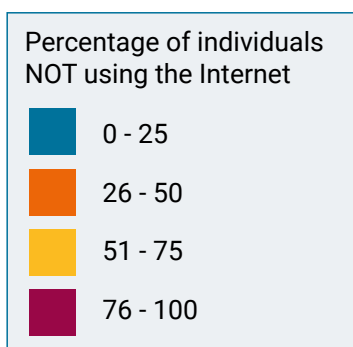
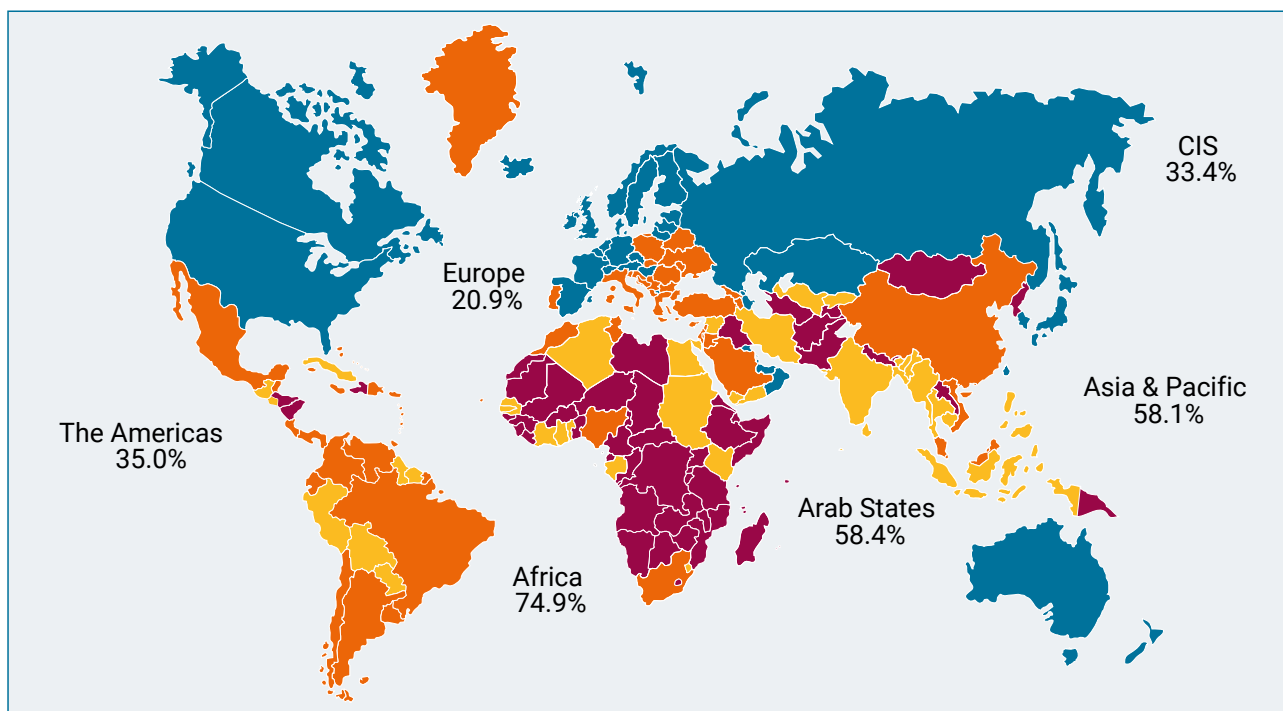
Some governments are taking action by investing in infrastructure and free community access points. For example, Lebanon, South Africa and Kenya have recently recorded an increase in the number of citizens able to access the internet in part due to government investment in the sector. These initiatives address the geographical barriers but not necessarily the societal and non-financial barriers.

#### **The scale of the access challenge: half the world unconnected**

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<sup>14</sup> For example, in India, people were offered limited content in exchange for free connection via Facebook's now defunct 'Free basics' scheme

**Figure 1 Percentage of individuals not using the internet<sup>15</sup>**



### 3.1.2 AFFORDABLE AND QUALITY CONNECTION

Where connections are available, high costs can pose almost equally high barriers to use. Affordability of internet services is a barrier to access for consumers particularly in rural areas. A survey found that whilst users in rural areas of Latin America had access to internet infrastructure most non-users “found existing services too expensive”.<sup>16</sup> Asia Pacific is the second most expensive region after Africa in terms of broadband pricing. In Fiji, Pakistan and the Philippines, internet subscriptions remain expensive in comparison to the monthly wage. Members from Latin America and Asia Pacific particularly criticised the action of capping data use.

Quality of connection also remains a problem across all countries. Shortfalls in power supply undermine the quality of internet service offered by providers; for example, telecommunications base stations in Nigeria are typically powered by diesel generators, which reportedly account for 80% of their operating expenses. This cost is then passed on to consumers.

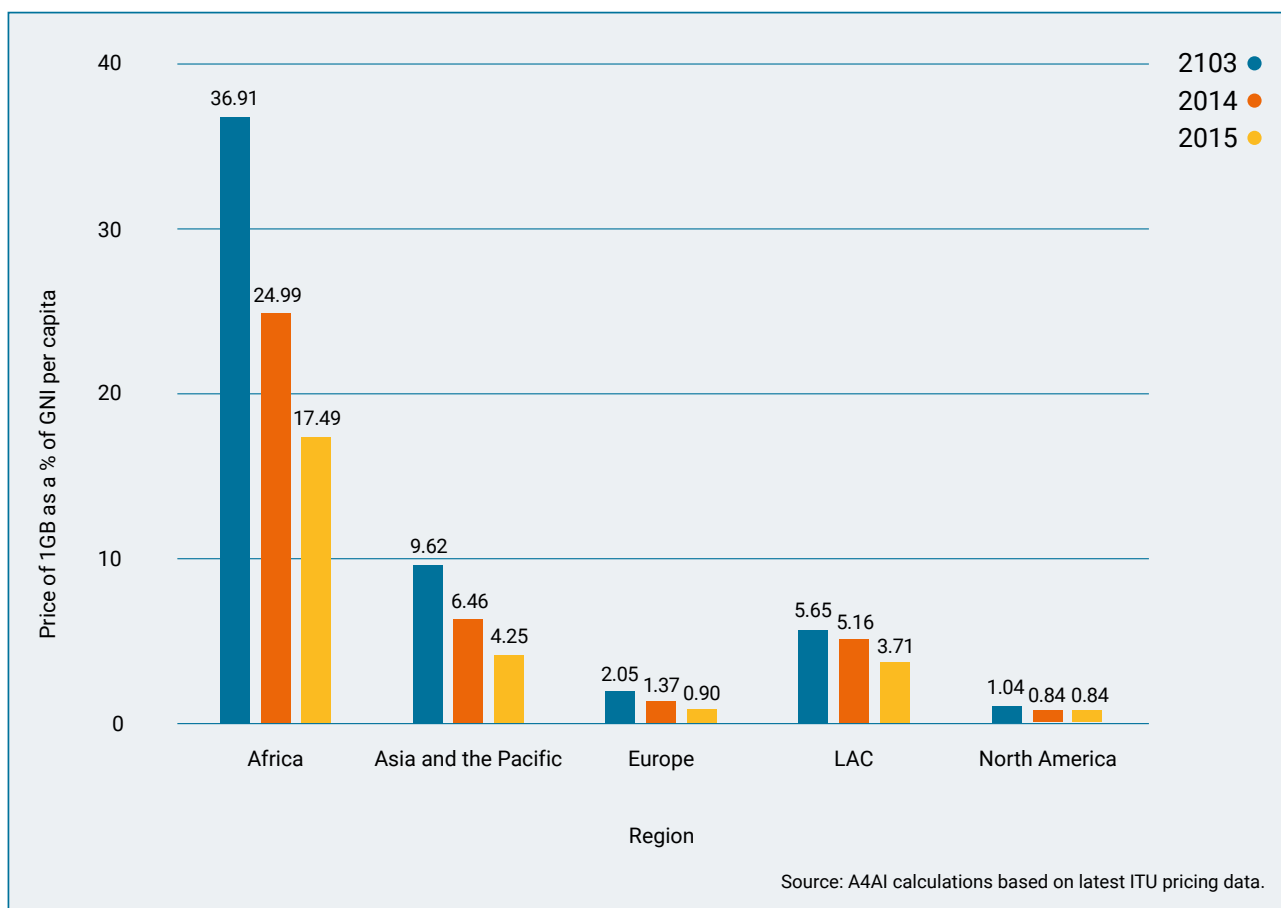
<sup>15</sup> ITU, ‘ICT Facts and Figures 2016’, 2016. See: <http://www.itu.int/en/ITU-D/Statistics/Documents/facts/ICTFactsFigures2016.pdf>

<sup>16</sup> Centre for Internet Governance Innovation – IPSOS, ‘2016 CIGI-Ipsos Global Survey on Internet Security and Trust’, 2016. See: <https://www.cigionline.org/internet-survey-2016>

## The scale of the affordability challenge; low income and high prices

The following chart shows the significant difference between regions. A 1GB broadband plan cost an average African citizen 18% of their monthly income.

**Figure 2 Average price of a 1GB broadband plan as a percentage of GNI per capita ( 2013-15)**



IDEC, a consumer organisation in Brazil, have recently launched their “Internet is not a choice it is a right” campaign. The campaign calls into question the actions of leading operators who plan to base the cost of fixed internet prices on volume allowances as is already the case with mobile internet. This initiative will without doubt impact the lowest income consumers the hardest and has caused strong opposition in Brazil.

### 3.1.3 INCLUSION

For all countries studied, the urban-rural divide in access was a concern. Broadband adoption in rural areas remains low due to lack of sufficient infrastructure and affordability. Mobile connections can overcome some infrastructural obstacles helping rural users access the internet. However, high prices and limited network coverage still constitute challenges in rural areas.

**“Most consumers in the cities and state capitals have access to affordable internet connection. There are quite a number of internet service centres in cities and big towns. In addition, many people browse on their mobile phones, laptops and tablets. The tertiary institutions have many browsing centres. But the vast majority in the rural areas do not have access due to non-availability of internet centres and network service.”**

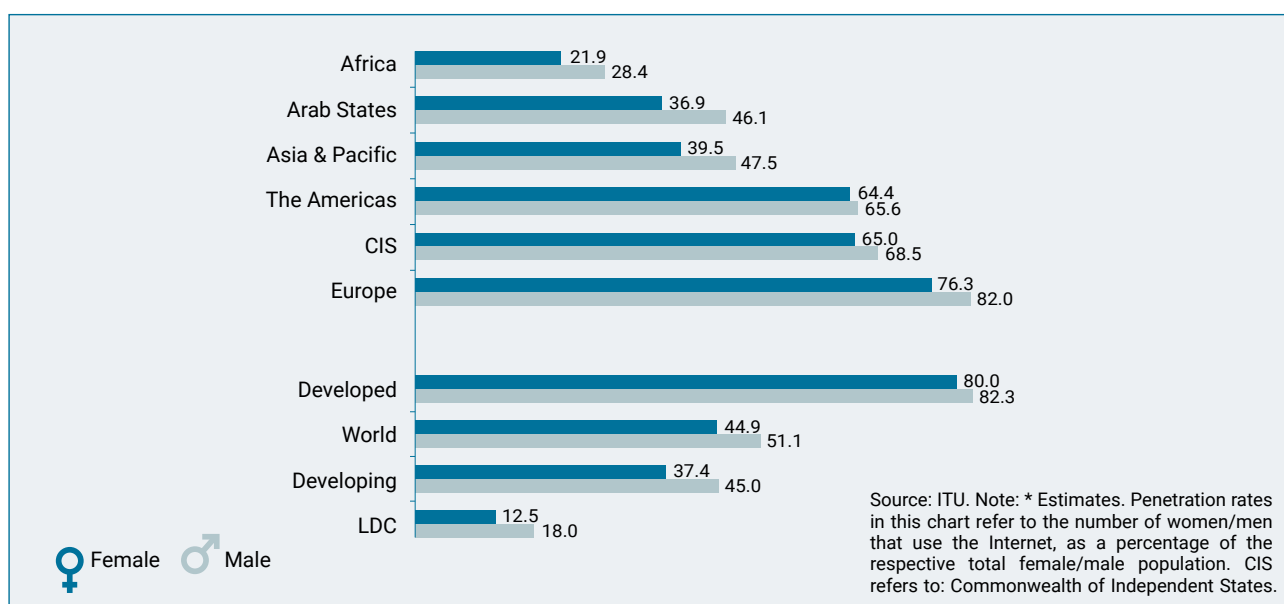
**Consumer Awareness Organisation, Nigeria**

Gender also affects access to the internet. According to data from the ITU, in every region of the world women are less likely to access the internet regularly (see figure 3). Asia Pacific and Africa and the Middle East lag behind Europe and the Americas in terms of the number of women regularly accessing the internet as a percentage of the female population.

Online harassment because of an individual’s religion, gender, sexuality or disability prevents people from using the internet freely and thus reduces the potential of the internet’s productivity. LGBT communities in Kenya face greater obstacles to internet access as well as frequent threats from government officials and other users. In Turkey, disparities in access exist between the east and the west of the country due to ongoing conflict and the political, economic and social marginalisation of the south-east region.

The scale of the inclusion challenge: the offline are more likely to be female, poor and rural.

**Figure 3 2016 internet penetration rate for men and women**



## 3.2 DISCLOSURE AND TRANSPARENCY

According to Consumers International 2016 member survey most consumer representatives reported that service providers do not offer sufficient information about speed, coverage and quality of internet connection. The language in which content is presented is also an issue for many developing nations, as the dominance of English on the internet exacerbates literacy barriers.

Consumers in Fiji also reported concerns about misleading pricing as internet providers have been known to add hidden charges that are not clearly communicated at the point of purchase. In Indonesia consumer organisations were concerned about the availability of information about online products and practice. The overwhelming majority of those who provided case studies reported that service providers do not offer sufficient information about speed, coverage and quality of internet connection. This was the case across all regions:

**“Usually providers provide quite comprehensive information on their website. However, there is no guarantee for the accuracy of the information. For example, they use “up to” for the speed. There is no institution (government or regulatory body) that verifying the information and monitor their promotion or marketing tactics. Providers often offer many types of internet package and sometimes it is difficult to check.”**

**Consumers Association from Indonesia (YLKI), Indonesia**

## 3.3 SECURITY AND SAFETY

Fewer than 10% of respondents from the Middle East, North Africa, Latin America and the Caribbean reported consumers are safe online ‘most of the time’.<sup>17</sup> Respondents from Africa, the Middle East and North Africa were particularly pessimistic, with only 4% and 0% reporting this.

A major global survey found that among those who never shop online 49% cite lack of trust as the key reason.<sup>18</sup> In another survey of six G20 countries including Argentina and South Africa, 68% said they are worried their digital payments are unsafe. With many governments and businesses investing in e-commerce as a means to drive growth, it should be a priority to develop online payment systems that consumers trust.

<sup>17</sup> Consumers International Member Survey, 2016

<sup>18</sup> Centre for International Governance Innovation - IPSOS, ‘Global Survey on Internet Security and Trust’, 2017  
<https://www.cigionline.org/internet-survey>

**“There are secure online payment systems, but sometimes the cards are hacked, and the banks are slow to take responsibility”**

**Vía Orgánica Asociación Civil, Mexico**

Consumers physical safety can also be at risk due to their online activity. Our survey and desk research found there are particular concerns about the online harassment of women and members of the LGBT community. Consumer organisations in Mexico noted that women who use the internet to publicise offline harassment have become victim of additional sexualised abuse on social media, which could further deter victims from reporting crimes and assault.

Product safety was also highlighted as a concern. Quality standards are a frequent problem in developing countries. There are also concerns about the massive changes Internet of Things technologies will bring. Digital rights commentators felt the debates around cybersecurity and Internet of Things were not of high enough quality.<sup>19</sup> Furthermore, regulation seems not to have adapted to the challenges. As we can see from the Philippines, where despite their 2012 Data Privacy Act, the onus is still placed entirely on consumers to protect their data:

**“Not really sure how safety and security can be guaranteed that’s why consumers are advised to take preventive caution whenever using the internet and digital gadgets.”**

**IBON Foundation, Philippines**

#### **The scale of the security challenge: 20 billion connected devices in the world**

Over half a billion digital personal records were lost or stolen in 2015, leaving 429 million identities exposed. These are just the ones we know about; many breaches go unreported.<sup>20</sup> When this information is lost or stolen, the effects can be serious: credit card fraud resulting in financial loss; ransomware that locks people out of their computers blocking access to tax returns, banking records and other valuable documents, reputational damage and distress at private information being made public.

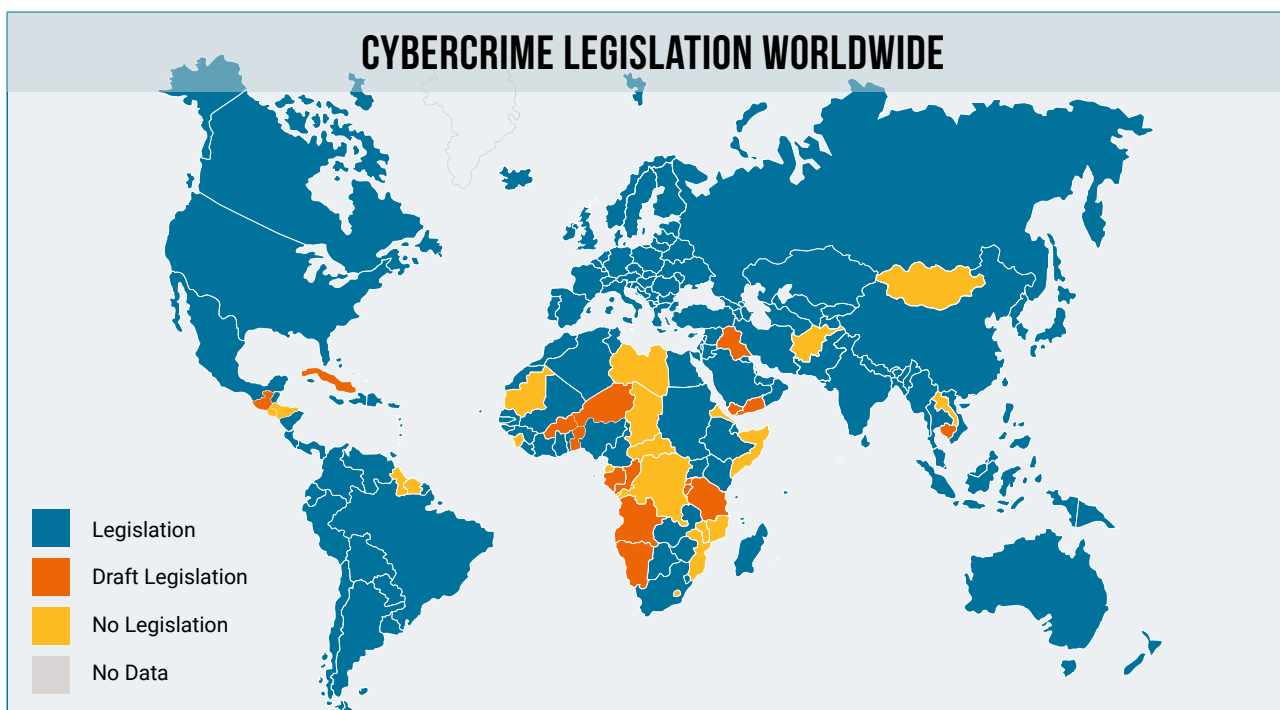
UNCTAD has produced a Cyberlaw tracker which maps legislation related to digital issues. With regards to cybercrime legislation, 72% of countries had enacted cybercrime legislation. However, more than 30 countries had no cybercrime legislation in place, in the Least Developed Countries, only 34% had cybercrime legislation, and 47% had none.

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<sup>19</sup> Interview with Maria Paz Canales, Derechos Digitales

<sup>20</sup> Symantec, 'Internet Security Threat Report', 2016

Figure 4 Countries with a legal framework for cyber protection<sup>21</sup>



### 3.4 DATA PROTECTION AND PRIVACY ONLINE

Concern about how much data is collected, loss of privacy, security risks and other consequences is growing. In 2016, 57% of consumers worldwide reported that they were more concerned about their online privacy than they were in 2014.<sup>22</sup> Three-quarters of Consumers International's members think that consumers very rarely have an understanding of, and control over, how their data is collected, stored and used. This chimes with global surveys which found 72% of people do not know what information is collected about them by companies online, and only 31% say that they know what rights they have with regard to this data.<sup>23</sup>

In Latin America concern over how individuals' data is collected and fears over loss of privacy is relatively high compared to all other regions. 70% of respondents from Latin America and the Caribbean stated that consumers very rarely understand and have control over how their data is collected, stored and used. Levels of data protection in the region vary widely. In Brazil and Venezuela there currently exists no statute for data protection. Mexico, Argentina and Costa Rica have specific data protection laws, but enforcement could be strengthened. Despite Argentina performing well in terms of data protection, Argentinean consumers were the most concerned about the security of their data and the potential of their payment information being stolen or misused online.<sup>24</sup>

21 UNCTAD, 'Cyberlaw Tracker', June 2017. See: [http://unctad.org/en/Pages/DTL/STI\\_and\\_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx](http://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx)

22 Centre for Internet Governance Innovation – Ipsos, '2016 CIGI-Ipsos Global Survey on Internet Security and Trust', 2016. See: <https://www.cigionline.org/internet-survey-2016>

23 Ipsos, 'Ipsos Global Trend Personalisation vs Privacy', 2014. See: <https://www.ipsosglobaltrends.com/personalisation-vs-privacy/>

24 Indicators of consumer protection and empowerment in the digital world, BMJV/vzbv/Consumers International, 2017



Despite some legal protections for fundamental freedoms, there is a notable lack of specific data protection legislation in Africa and the Middle East; Chad, the Democratic Republic of Congo (DRC), and Nigeria have no data protection and privacy laws in place at all. The Ivory Coast and Kenya have data protection laws in place but there are concerns over citizens' privacy rights as governments use these laws to monitor citizens in the name of national security.

The Asia Pacific region has one of the widest ranges in levels of protection and security of all the regions studied. Regarding legal frameworks for data protection and privacy, in Fiji no law currently exists, whilst in Pakistan the law is in its draft stages. In Indonesia and Thailand general laws on protection of privacy rights are used to cover data privacy. Therefore, in general for the region, strengthening and supporting awareness of the importance of legal frameworks could be improved.

Globally, 83% of people agree that there should be new rules about how governments, companies and other internet users use their data.<sup>25</sup> Participants in the research felt that the obligations on service providers were complicated by the issue of data control across borders, where many companies working in a particular country were registered in a different jurisdiction.<sup>26</sup> There was also concern that taking 'legislative shortcuts' such as copying data protection clauses from other countries, may not work as they have different enforcement or market surveillance infrastructure or could even be effected by different cultural norms.<sup>27</sup>

### 3.5 COMPETITION AND CHOICE

Healthy competition comes not only from the number of service providers, but also the availability, credibility and comparability of the information they provide to the market, and the ease with which consumers can switch providers. This links to the point on disclosure and transparency, which showed that key information and transparency was lacking. Consumer organisations in the region note a lack of credible information on prices and services which can lead to consumers buying unnecessary extras and bundled products and services.

Of course, consumer choice can be little more than theoretical in areas where poverty remains high. If a company offers free services to consumers who otherwise would not be able to afford it, it is harder for them to refuse even if certain rights are compromised in the process.<sup>28</sup>

In many countries, services can be easily cartelised, or competition is among a couple of competitors leading to a market oligopoly. For example, in Argentina there are approximately 816 licensed providers offering internet services; this suggests a diverse digital technology spectrum and high competition. However, around 90% of the broadband market is held by three companies; Telefónica, Telecom Argentina, and Cablevisión (Grupo Clarín).

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25 Centre for Internet Governance Innovation – Ipsos, '2016 CIGI-Ipsos Global Survey on Internet Security and Trust', 2016. See: <https://www.cigionline.org/internet-survey-2016>

26 Interview with Lilian Nalwoga, CIPESA

27 Interview with Pierre Al Khoury, La Sagesse University, Beirut

28 Interview with Antonino Serra Cambaceres, Consumers International

It is a similar story in Brazil where despite there being no significant legal or economic barriers for companies competing in the ISP, mobile, or digital technology sectors, the ICT market remains highly concentrated. As of May 2016, three large private companies—Oi, Claro and Vivo (Telefônica Brasil)—represented over 84% of the country's broadband market.

**“Brazil has a problem of oligopoly in the field of ISPs. Four big Telecoms have 90 % of the market share and operate in big cities. The small ISPs (more than 3.000) are in the countryside and have good competition). For consumers in cities like São Paulo, usually there is no option. The person is obliged to hire Vivo or NET – and usually the consumer has only one option in the neighbourhood”**

**Brazilian Institute for Consumer Protection (IDEC), Brazil**

With regards to products, Consumers International members report that in some markets consumers are required to take up unnecessary bundled products and services, and products are not interoperable on different networks.

**“The major service providers are also other providers of communications services and / or entertainment (telephony, cable) which creates the difficulty of interoperability and choice of services freely and widely.”**

**Consumer Action Argentina (ADELCO), Argentina**

### 3.6 FAIR USE AND CLEAR OWNERSHIP

When surveyed, few of Consumer International's developing country members thought ownership rights of connected Internet of Things products were high on consumers' agendas. However, most agreed that 'rights of ownership for digital products are very rarely fair and understood by consumers'.

While worrying about connected homes and Internet of Things devices may feel like a luxury, Consumers International's 2016 report which researched consumer Internet of Things products in Kenya, the Philippines and Nigeria<sup>29</sup> showed that the Internet of Things could quickly become widespread, either through products only being available via connected devices or by national default roll outs of smart energy meters and transport systems.

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<sup>29</sup> Consumers International: Connection and protection in the digital age: the internet of things and consumer protection, 2016

### 3.7 REDRESS AND COMPLAINT HANDLING

Outside of the EU, the consensus is that whilst the right to redress exists in theory, it is difficult to exercise in practice. Only 10% of respondents from Latin America and Africa, and 28% of Asia Pacific respondents stated that consumers have access to redress 'most of the time'. There is uncertainty about how to transpose analogue protections into the digital world and some nations reported that whilst there are legal rights, there are limitations on how these are applied in practice.

**“Consumers have a right to redress for online products, The Brazilian Code of Consumer Protection (1990) and the Decree of E-Commerce (2013) apply in this case. However, there is no clear evidence that this legal mechanism is working properly”.**

**IDEC, Brazil**

The nature of digital delivery may exacerbate frustrations with the redress process. As governments and businesses migrate their services online, there are fewer and fewer options for interacting directly with providers, which makes dealing with problems very difficult. There is a knock-on effect, where if consumers cannot find a place to complain or seek help, they will resign themselves to working with what is available,<sup>30</sup> ultimately reducing the efficacy of the consumer movement.

### 3.8 DIGITAL EDUCATION AND AWARENESS

Digital education and awareness can support consumers to develop the skills and confidence to be able to make informed choices, know where to go for advice and take effective action to protect their well-being and identity online. Digital literacy affects all aspects of consumers' digital rights from being able to access and use the internet to being able to understand laws and legislations related to their privacy and security. In the majority of countries, digital literacy was noted as an issue affecting increased access and also the comprehension of data privacy laws and regulations.

**“Digital literacy is also an important factor in accessing the internet and being able to use it safely and securely.”**

**Arnau Izaguerri, UNCTAD**

This was identified as a problem in Latin America, where consumer organisations said consumers do not generally understand their rights concerning ownership of digital products. A consumer organisation in Chile stated that few consumers are able to read and understand the conditions of use of digital services.

In India, a lack of awareness of the internet contributes to low usage: 78% of non-users say they do not know about the internet<sup>31</sup> and only 26% of all Indian schools had a computer in 2015. The availability of content in local languages is also an issue for both inclusion and following good practice online.

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<sup>30</sup> Interview with Maria Paz Canales, Derechos Digitales

<sup>31</sup> Internet Monitor, See: <https://thenetmonitor.org/countries/ind/access#akamai>

**“Issue of low digital literacy is leading to security breaches and hacks. Consumers don’t follow the prescribed guidelines and often fall in traps...The massive penetration of smart phones has aggravated the situation.”**

**Consumer Voice, India**

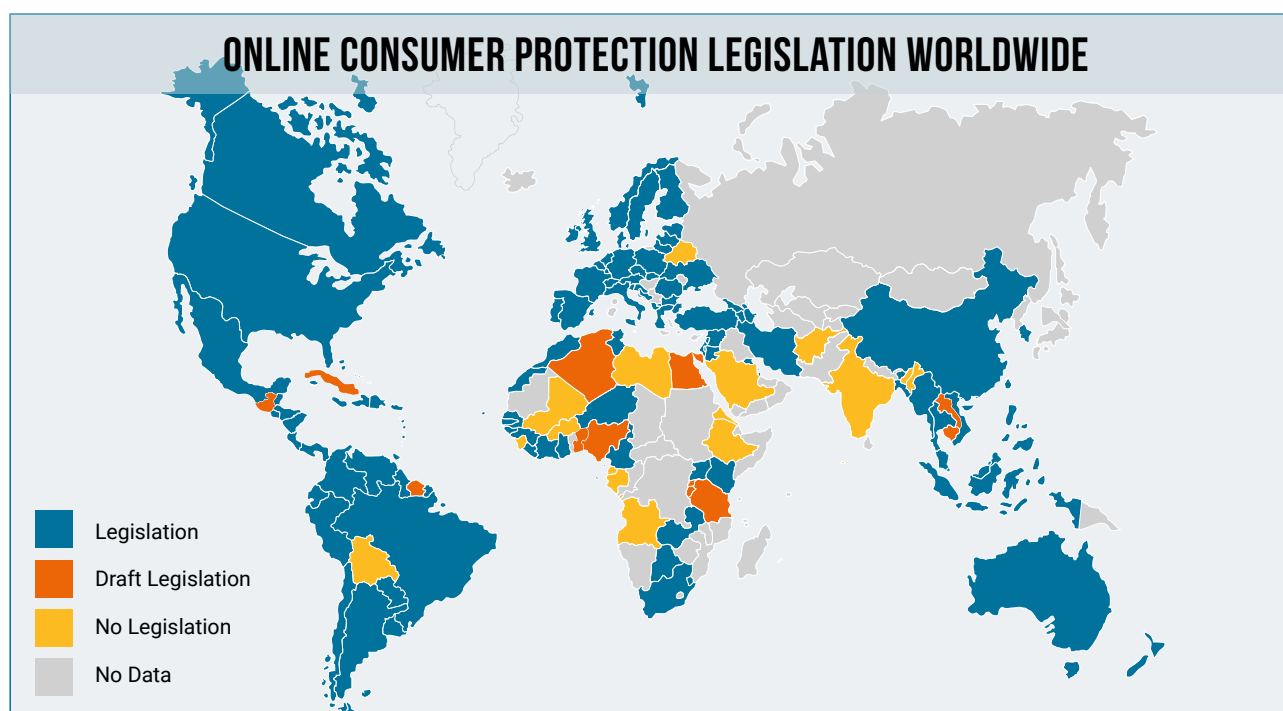
### 3.9 REGULATORY FRAMEWORK

The internet is a complex ecosystem, with multiple layers that are governed by a combination of private sector policies, global institutions, national laws and international cooperation. Powerful intermediary platforms can also make identifying responsibilities and jurisdictions difficult. Many nations lack a regulatory authority for digital issues, or where authorities exist they do not cover all the issues identified here, or are ineffective in enforcing related regulations.<sup>32</sup>

The international regulatory and governance space can be hard to infiltrate and influence. Other routes such as international standards have more open processes for consumer representation,<sup>33</sup> but may only deal with particular aspects of digital. Regional processes may be easier to infiltrate but are not always effective; for example, the African Union statement on data protection has to go through a lengthy ratification process.

**The scale of the legislation challenge: low income countries have little to no legislation**

**Figure 5 Countries with consumer protection legislation relating to ecommerce**



<sup>32</sup> Consumers International member survey, 2016

<sup>33</sup> ISO, 'Consumers and Standards: Partnerships for a Better World', <http://www.iso.org/sites/ConsumersStandards/index.html>

Despite the importance of consumer confidence for business-to-consumer e-commerce, many developing and transition economies still lack laws to protect consumers online. In as many as 67 countries, it was not possible to obtain data, suggesting that online consumer protection is not being fully addressed. Out of the 125 countries for which data exist, 97 (of which 61 are developing or transition economies) have adopted consumer protection legislation that relates to e-commerce. In terms of regional patterns, the incidence of consumer protection laws is particularly low in Africa.<sup>34</sup>

### 3.10 RESPONSIBLE BUSINESS CONDUCT

Given the cross-border nature of many internet and technology companies and the influence they have on markets, their conduct is an important factor in the experience of consumers and citizens. Existing frameworks such as the UN's Guiding Principles on Business and Human Rights<sup>35</sup> set out the breadth of activity that makes up sound business practice.

However it is often the case that technologies companies follow the trend of providing a lower level of protection for consumers, depending on their location's compliance requirements. This means consumers in some countries may have less protections despite the company being able to deliver higher protection in other jurisdictions.

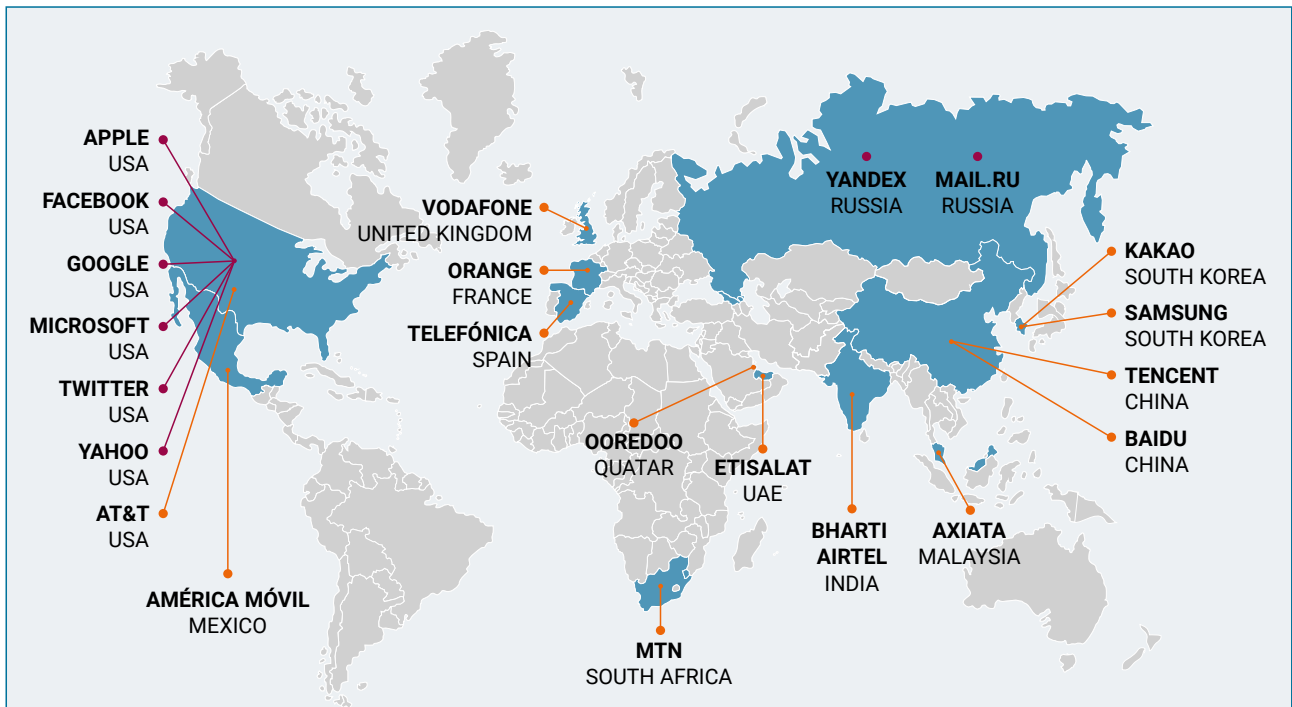
In terms of their performance on digital rights, the 2017 Ranking Digital Rights Corporate Accountability Index evaluated how the top internet, mobile and telecommunications companies perform in terms of disclosing their policy and practice on freedom of expression and privacy. While it isn't a complete picture of corporate performance across the whole range of potential indicators, it is a useful indicator of global corporate practices. Their key finding was that company disclosure is inadequate across the board and is particularly poor in mobile ecosystems. This means that most of the world's internet users lack the information they need to make informed choices and that most companies disclosed less about policies affecting freedom of expression than privacy.

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34 UNCTAD, 'Cyberlaw Tracker', June 2017. See: [http://unctad.org/en/Pages/DTL/STI\\_and\\_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx](http://unctad.org/en/Pages/DTL/STI_and_ICTs/ICT4D-Legislation/eCom-Cybercrime-Laws.aspx)

35 UNOHCHR, 'Guiding Principles on Business and Human Rights', 2011. See: [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

**Figure 6 Ranking Digital Rights Corporate Accountability Index, 2017 <sup>36</sup>**



### 3.11 FREEDOM AND OPENNESS

Finally, we have included a measure of freedom on the internet, to reflect the importance of the issue and also the overlap between digital rights and consumer rights as shown in see Table 2.

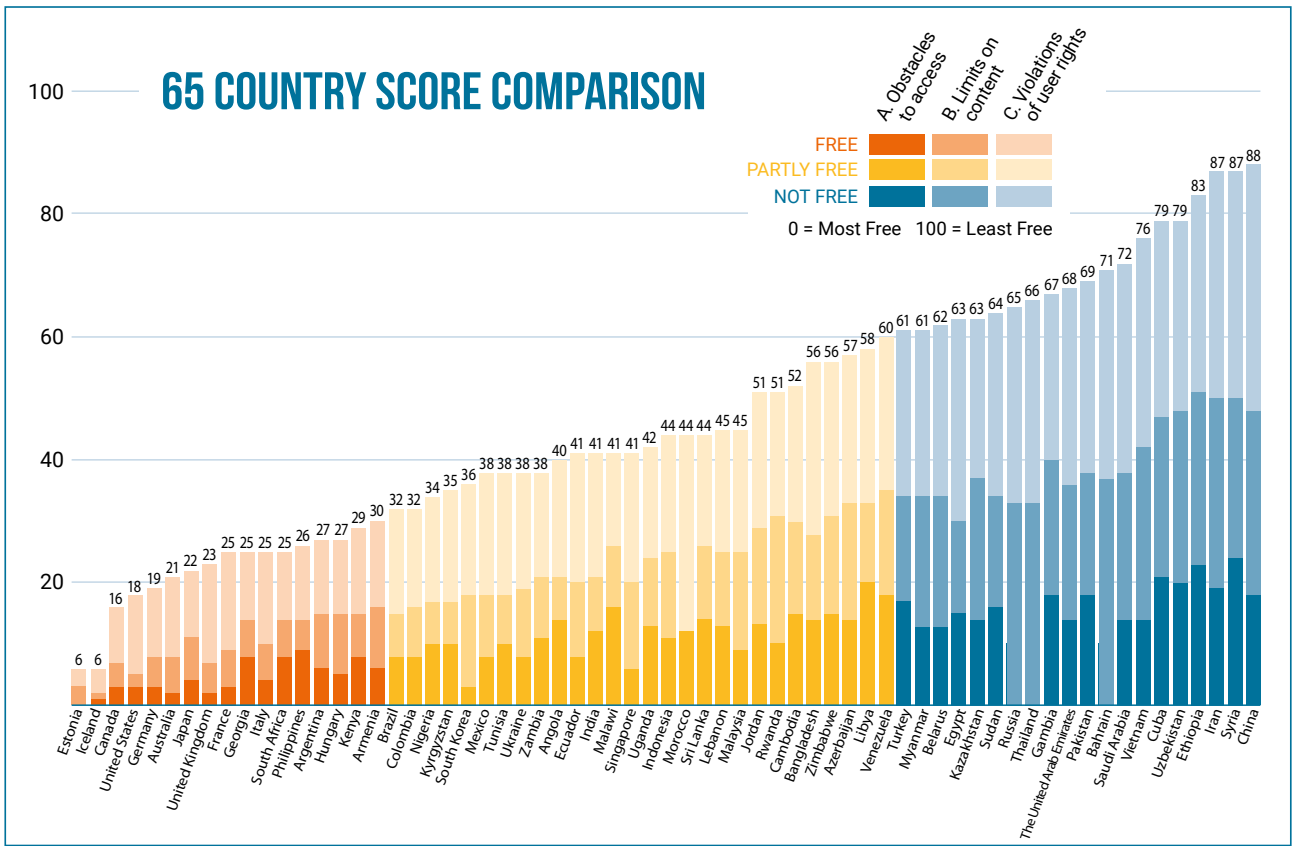
#### The scale of the challenge to freedom and openness on the internet

According to Freedom House, over the last six years freedom on the net has declined. The study tracks improvements and declines in governments' policies and practices each year. Two thirds of all internet users live in countries where criticisms of the government, military or ruling family are subject to censorship. Increased censorship is occurring in environments where countries may not have effective data protection and privacy laws in place. Out of the countries we studied, 46% had no data protection laws currently in place. The tables show that the low-income countries in general lack effective legal mechanisms to protect consumers. Whilst lower-middle and upper-middle income countries are more likely to have laws on data protection and privacy, cybercrime and laws protecting consumers when shopping online.

South Africa, the Philippines, Argentina and Kenya all scored well in terms of internet freedom and yet both South Africa and Kenya's data protection and privacy laws are in their draft stages. This indicates that other factors are at play when considering internet freedom. We should consider the effectiveness of a country's enforcement of these laws and the wider social, cultural and political contexts as well, if we are to understand the consumer's experience.

<sup>36</sup> Ranking Digital Rights, '2017 Ranking Digital Rights Corporate Accountability Index', 2017. See: <https://rankingdigitalrights.org/index2017>

Figure 7 Comparison internet freedom in 65 countries





## 4. CONSUMER DIGITAL PROTECTION AND EMPOWERMENT: THE OPPORTUNITIES AND CONTEXTUAL CHALLENGES

In the previous section we used the eleven-point framework to explore the scale of digital issues affecting consumers in developing countries. In this section we will examine the environment in which the framework exists. In this environment, contextual challenges and political opportunities can positively and negatively affect the course of digital development and so understanding this context is critical to addressing the issues effectively. During our research it became clear that trends in challenges and opportunities appeared most identifiably within regions, although there will of course be variations within regions. Therefore, this section has been split regionally to facilitate analysis.

For each regional bloc we identified a list of political and civil society opportunities followed by the main contextual challenges to achieving change. Political and civil society opportunities are either initiatives taken by governments to improve digital development in-country or opportunities for advocacy. Contextual challenges are considered the factors that inhibit or slow down attempts to improve digital development. These were identified during interviews with consumer and digital rights experts and through a PESTL (political, economic, social, technological and legislative) analysis. With a clearer picture of how the contextual challenges and opportunities impact consumer digital protection and empowerment, we then consider what this means for civil society advocacy strategies.

### 4.1 LATIN AMERICA

#### 4.1.1 POLITICAL OPPORTUNITIES

- Argentina is hosting several events related to digital rights, including the Ministerial Summit of the WTO and the G20 Summit which will include a consumer summit with digital as one of its themes. This could provide an opportunity to build alliances with traditional sectors and human rights organisations. The Argentinian Congress might be a viable venue to push progressive policies to protect consumers.
- Argentina's "Federal Internet Plan" passed in May 2016, promises to bring quality broadband to 29 million people within two years.
- Peru recently approved new net neutrality regulation in April 2017. Peru's National Broadband Plan, budgeted at \$333m, aims to connect 80% of Peru's territory by deploying 13,500km of fibre optic cables to link 180 provincial capitals.
- Regarding net neutrality in Mexico, a public consultation by the regulation authority will take place during 2017 and it is expected that companies will push for business-friendly provisions which will put competition, freedom of expression and consumer rights at risk.
- In Mexico there is potential to advocate around improved enforcement of laws. Telefonica, the biggest internet access provider in the country, was fined \$75,000 USD in 2011 for failing to seek authorization from the government before blocking port TCP 25 while trying to mitigate a SPAM incident on its network.

- Brazil's data protection bill No. 5.276/2016 is reported to be under analysis before congress.<sup>37</sup>

## 4.1.2 CIVIL SOCIETY ACTIONS

- Consumer groups are fighting to have the 'right to have data-cap free internet' included in the Marco Civil. There could be very useful lessons for other countries to learn from mobilizing consumers around the issue of access and inclusion.
- In Peru, there is a proposal for a new vice-Ministry for ICT, that the consumer organisation ASPEC is keen to see deliver technology benefits to remoter parts of the country.

## 4.1.3 FACTORS THAT IMPACT DIGITAL DEVELOPMENT

### Political:

#### Poor enforcement of existing legislation

Poor enforcement of existing legislation was highlighted by interviewees as a barrier to improving consumers digital rights in Latin America. Poor enforcement undermines the integrity of the existing laws and leaves consumers vulnerable. In comparison to other regions, Latin America has higher quality legislation on net

neutrality, data protection and competition in the ISP market. However, our digital rights respondent from Chile stated that even if there is a regulatory framework in place, laws are often not properly enforced.<sup>38</sup> For example, they stated that the full capacity of competition law is not utilised and there is a lack of active pursuance by authorities to audit and act on companies.<sup>39</sup>

### Economic:

#### Oligopolistic markets

Consumer and digital rights experts in Latin America stated that oligopolistic markets present a challenge to improving consumer choice and the quality of digital services. A digital rights expert from the region stated that most ICT companies were originally state monopolies but after privatisation they remained largely in control of the same markets.<sup>40</sup> Understanding the status and type of ISP and ICT organisations and their closeness to government is important to understanding how best to improve competition and consumer choice in this area. As noted in section 3, regulation stipulating market competition does not necessarily translate into increased choice for consumers. Further investigation into this area by local digital rights and consumer groups is needed.

<sup>37</sup> DLA Piper, 'Data Protection Laws of the World', 2017. See: [www.dlapiperdataprotection.com](http://www.dlapiperdataprotection.com)

<sup>38</sup> Interview with Maria Paz Canales, Derechos Digitales

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

## International donor funding priorities

A global digital rights organisation in the region stated that many organisations' activities are affected by lack of funding as they are not well resourced.<sup>41</sup> This affects their ability to sustain advocacy and campaigns activities and invest in their own technical capacity. It was also noted that many organisations felt especially financially restricted this year due to international funding cuts in the US.<sup>42</sup>

### Social:

#### Income divides

Overall levels of internet penetration are higher in Latin America compared to African and the Middle East. However, respondents from Latin America remain concerned that initiatives to increase access do not address other existing inequalities. A consumer rights organisation in Brazil stated that it is not only the rural areas that suffer with low levels of internet access, within urban areas, quality services are concentrated in wealthier areas.<sup>43</sup> According to a survey conducted by CETIC, the Brazilian Internet Steering Committee, 97% of the upper-class children are connected to fixed broadband whilst only 6% of lower-class children are connected.<sup>44</sup>

### Technological:

#### Lack of technical knowledge

In terms of improving regulatory frameworks and consumer protection legislation, a lack of technical knowledge on digital issues within authorities and civil society was a concern raised by consumer and digital rights groups in the region. One respondent from Latin America stated that organisations can consist entirely of lawyers or sociology intellectuals whose understanding of technological aspects is low.<sup>45</sup> Without common understanding of the issues amongst all actors, they will be slow to act, either when identifying the issues that affect consumers or when passing new legislation to protect consumers.

#### Playing catch up

While new technology and innovation is rolled out in more developed economies, less developed economies are left playing catch up. This leaves many countries with perpetually less digital expertise and thus an inability to join international discussions on the issues. For example, one consumer rights expert pointed to the arrival of 5G technology and the related policy discussions taking place in international forums regarding the faster, more complex internet of things technology that it could support. Latin America however, has not even completed 4G roll out and the region's infrastructural capacity and needs are not yet well known.<sup>46</sup>

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41 Interview with Lea Kaspar, Global Partners

42 Ibid.

43 IDEC Brazil from Consumers International 2016 Member Survey

44 Brazilian Internet Steering Committee, 'Child Online Protection : The Brazilian Experience in producing statistical indicators', 2013. See : [https://www.itu.int/en/council/cwg-cop/Documents/COP\\_KIDS%20ONLINE%20BRAZIL\\_PPT\\_FINAL.PDF](https://www.itu.int/en/council/cwg-cop/Documents/COP_KIDS%20ONLINE%20BRAZIL_PPT_FINAL.PDF)

45 Interview with Maria Paz Canales, Derechos Digitales

46 Interview with Antonino Serra Cambaceres, Consumers International Latin America

## 4.1.4 SIGNIFICANCE FOR ADVOCACY

The lack of technical knowledge within civil society and authorities, coupled with the speed that digital innovations hit the market can create asymmetrical power structures between consumers and companies. Without access to information and transparency, consumers will always have much less knowledge about services, products and business models and practices. Advocacy strategies that focus on gaining information from ISPs and creating transparency in business processes could increase capacity among all actors.

Barriers to competition and choice were highlighted as a major concern in this region. Keeping up to date with research on competition frameworks, market dominance, and data as a competitive asset,<sup>47</sup> could aid civil society in their understanding of this issue. Furthermore, it is not enough to hope that more competition will solve quality, price and usage issues, there must also be support for consumer protections alongside this.

Within the region there is a strong drive from civil society, both digital rights and consumer organisations, to improve digital development. Oftentimes however they are working parallel to each other. Cross-organisational capacity and relationship building could present itself as an essential tool in the development of advocacy strategies in the region.

## 4.2 AFRICA AND THE MIDDLE EAST

### 4.2.1 POLITICAL OPPORTUNITIES

- Nigeria has created a national agency, the Universal Service Provision Fund (USPF) for the promotion of access to rural and underserved communities. The USPF is funded by a tax on the profits of telecommunication license holders.
- The 'South Africa Connect' broadband policy was initiated in 2013 and aims to connect the entire country by 2030.
- New investments in Uganda's ICT infrastructure aim to close the digital divide, with assistance coming from global technology companies. In December 2015, Google launched its first Wi-Fi network in Kampala as part of "Project link."
- The Government of Cote d'Ivoire wants to modernize the state through electronic governance and the introduction of a unique identifier for every citizen. This will also be an opportunity for further development of e-governance, through increased availability of online services in all areas (education, health, agriculture, justice, finance, etc.).
- In Lebanon, the Digital Telecom Vision 2020 planned to bring in fibre-optic connections, however this has not happened as the decision makers involved in developing the plan have left their positions in government and industry.
- Turkey will hold the presidency of the International Consumer Protection Enforcement Network (ICPEN) in 2018.

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<sup>47</sup> European Data Protection Supervisor 'Privacy and competitiveness in the age of big data: The interplay between data protection, competition law and consumer protection in the Digital Economy' March 2014. See: [https://edps.europa.eu/sites/edp/files/publication/14-03-26\\_competition\\_law\\_big\\_data\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/14-03-26_competition_law_big_data_en.pdf)

## 4.2.2 ACTIONS FROM CIVIL SOCIETY

- In Nigeria, the Digital Rights and Freedom Bill, drafted by NetRightsNG Coalition, includes the principle of net neutrality principle, and has gained traction, but the position of the Nigerian Communications Commission remains unclear.
- Access Now's KeepItOn coalition is a campaign calling for governments to resist shutting off the internet. The coalition sent the government of Cameroon a letter urging them to restore full internet access to the South West and North-West regions. The letter was signed by 22 civil society organisations.<sup>48</sup>
- Civil society and universities are starting to take a lead in trade issues and e-commerce from a critical perspective.

## 4.2.3 FACTORS THAT IMPACT DIGITAL DEVELOPMENT

### Political:

#### Manipulation of existing protections

Digital rights experts from this region are concerned about the way in which existing cybersecurity and data protection laws are being manipulated by governments for ulterior purposes.<sup>49</sup> Such practices not only curtail openness and freedom of the internet but also undermines the integrity of data privacy and protection laws. Digital rights groups have stated that where there is legislation protecting digital rights, it is often being encroached on by many governments in the name of cybercrime prevention.<sup>50</sup>

The wording of legislation is often vague, leaving it open to varied interpretation. If wording is left vague authorities can use laws aimed at protecting internet freedoms against people, for example by claiming citizens are igniting tensions, 'disturbing the peace' or using 'insulting' or 'offensive' language.<sup>51</sup> The vagueness of what defines 'insulting' language means punishment is left to the discretion of individuals and may vary depending on the political context of the day. Article19 highlight that under amendments to the Kenya Information and Communications Act, content can be taken down if it is 'infringing on the rights of the user'. They assert that the word 'infringe' should be replaced with 'unlawful' as this leaves less room for interpretation.<sup>52</sup>

#### Government surveillance of individuals

Interview respondents from Uganda stated that the government has invested in snooping equipment, capable of targeting individual's activity online.<sup>53</sup> Similarly, in Uganda it was noted that FinFisher malware had been deployed by the government under a secret operation codenamed Fungua Macho (open your eyes in Swahili). FinFisher is known as a sophisticated and user-friendly spyware suite sold exclusively to governments for intelligence and law enforcement purposes. However, it has been involved in a number of high-profile surveillance abuses despite being marketed as a tool for fighting crime.

48 KeepItOn coalition letter to the government of Cameroon', Access Now, 2017. See: <https://www.accessnow.org/keepiton-coalition-letter-government-cameroon/>

49 Gbenga Sesan, Paradigm Initiative Nigeria and Lilian Nalwoga, CIPESA

50 Privacy International, 'State of Privacy in Kenya', See: <https://www.privacyinternational.org/node/980>

51 CIPESA, 'State of Internet Freedom in Africa 2017', September 2017. See: [https://cipesa.org/?wpfb\\_dl=254](https://cipesa.org/?wpfb_dl=254)

52 Article 19, 'Kenya : Information Communications (Cybersecurity) and (Electronic Transactions) Draft Regulations', April 2016. See: <https://www.article19.org/data/files/medialibrary/38413/Kenya-Cyber-Security-and-Electronic-Transactions-Legal-Analysis-21-April-2016.pdf>

53 Interview with Lilian Nalwoga, CIPESA

## External threats compromise rights

Any actors seeking to improve legislation concerning consumer's data privacy, protection and security online should be aware that threats to national security have been given priority over consumer and human rights in the past. For example, amendments to the Kenyan Prevention of Terrorism Act in 2014 explicitly enabled national security bodies to intercept communications "for the purposes of detecting, deterring and disrupting terrorism". This undermined the protections given to consumers under KICA 2013. These changes should be seen against the backdrop of the 2013 terrorist attack on Westgate mall in Nairobi. It is important to note, this is not specific to this region and similar trends have been seen globally.

## Economic:

### Corruption

Our interview respondent from Lebanon highlighted the importance of understanding the effect corruption has on political relations and attempts at advocacy. They stated that corruption influences all issues from developing infrastructure to drafting legislation.<sup>54</sup> Advocates need to be aware this may affect the speed, cost and quality of initiatives and projects. Compounding this issue is the overall lack of transparency around government spending on projects and businesses pricing of products.<sup>55</sup>

## Social:

### Societal attitudes

With regards to inclusion, whilst physical facilities may be present in a country societal attitudes might affect how individuals use these facilities. For example, a study of women's experiences accessing the internet in northern Nigeria,<sup>56</sup> showed that 55% of men do not want their wives to use the internet with over 60% believing there are religious and moral concerns about internet use.<sup>57</sup> Furthermore, if a woman wants to access the internet but doesn't have a smartphone or credit they may have to go to a public cyber café and these may not be culturally sensitive to women. Thus, even if initiatives are put in place to increase infrastructure and access, cultural sensitivities also need to be considered.

### Differences in the cultural understanding of 'rights'

It is also important to consider how a society's cultural and social norms determine their understanding of 'rights'. Our digital expert from Lebanon country said, "the words 'digital rights' are not understandable as a concept." He perceived that the development of digital rights discourses could go either of two ways. Firstly, "by opening borders, and societies being more open to each other, there could be more unification of digital consumers rights and consumer rights." Or secondly that the "private sector with basis in EU/West will impose rules from their cultural and legal perspective" which will then shape the law.<sup>58</sup> However, without wider societal acceptance, the second vision could have limited success.

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54 Interview with Pierre El Khoury Professor at La Sagesse University, Beirut

55 Interview with Xaverine Ndikumagenge, Consumers International Africa

56 CITAD, 'Overcoming gender-based digital exclusion in northern Nigeria: A strategy document', 2016.

See : <http://www.apc.org/en/system/files/GENDER-BASED%20DIGITAL%20EXCLUSIONIN%20NORTHERN%20NIGERIA.pdf>

57 Ibid.

58 Interview with Pierre El Khoury Professor at La Sagesse University, Beirut

## Technical:

### Lack of quality infrastructure

The Africa and the Middle East region has comparatively low levels of infrastructure capable of supporting the roll out of quality digital services, especially outside of major cities.<sup>59</sup> This therefore restricts consumer access to the internet and can exacerbate existing societal inequalities. Decades of underinvestment, disjointed colonial development policies and in some cases years of protracted civil war have all contributed to poor quality infrastructure. At present, government commitment, political stability and the availability of financial and human resources will impact the achievement of development projects aimed at increasing and improving infrastructure.

### Low literacy levels

Low literacy levels were highlighted by interview respondents, on numerous occasions, as a barrier to improving consumer protection in the region. Low literacy levels affect all areas of a consumer's experience of digital services. Even if consumer protections exist, a low level of literacy will affect a consumer's understanding of their rights online. If consumers are dissatisfied with the service they receive, or something goes wrong, low literacy levels may affect their ability to pursue channels of redress. In the long term, this will also reduce the efficacy of the consumer and digital rights movements.

## Legislative:

### Lack of ownership of legislation

Lack of obvious ministries and leadership in legislative development can lead to disjointed legislation and slow processes nationally and across borders. A digital rights expert from Nigeria stated that often there are no ministries or even individual ministers that have knowledge of digital services and the wide-ranging consequences of their use.<sup>60</sup> Without capacity within government to draft laws, the protection of consumer's data and privacy online and creation of safe digital environments will be difficult to achieve.

## 4.2.4 SIGNIFICANCE FOR ADVOCACY

The main political initiatives from this region are focused on improving access and inclusion. As this is a primary concern for the region these initiatives are welcomed by both consumer and digital rights groups. Given the concerns about corruption, government control of the internet and the lack of technical skills within authorities, it will be important to monitor how well these initiatives progress. Advocates will need to stay abreast of proposals, licencing processes and project developments to ensure they are delivered as intended, and that the right consumer protections are built in.

Political challenges centring around the government's control of the internet and manipulation of existing protections present major obstacles to improving digital development in the region. The increasing securitisation of national legislation is not exclusive to this region. We can see the same developments happening globally. However, it is of greater concern in countries where basic consumer protections are lacking. Civil societies' attempts to resist internet restrictions are promising. This movement could be strengthened by stronger participation from the consumer movement.

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<sup>59</sup> Interview with Xaverine Nkidumagenge, Consumers International Africa

<sup>60</sup> Interview with Gbenga Sesan, Paradigm Initiative Nigeria



Overall, there is a lack of focus on how all actors can improve consumer's data protection, privacy and security. A base level of capacity and understanding may need to be built within the political class, civil service and civil society for effective developments to be made in this area.

## 4.3 ASIA PACIFIC

### 4.3.1 POLITICAL OPPORTUNITIES

- The Indian government has committed approximately \$4 billion to building a national broadband network to connect 250,000 villages.
- There are funding opportunities in Indonesia where telecommunications operators are subject to a universal service obligation of 1.25% of total gross revenue.
- The Philippines' "Magna Carta for the Internet", intended to repeal the Cybercrime Act in its entirety and replace it with a rights-based framework, is still pending in congress and is backed by a broad alliance of civil society organisations from the [Philippine Internet Freedom Alliance](#), a civil society space with great potential for partnerships with other groups.
- There are opportunities regionally for advocacy around data privacy and security, specifically in India where there are concerns about the Aadhar scheme and the potential for privacy invasion and security leaks.
- The Fijian National Action Plan 2011-2016 sought to improve access and affordability, but in 2016 Cyclone Winstone and the damage caused to infrastructure was a major setback.

### 4.3.2 ACTIONS FROM CIVIL SOCIETY

- A number of national level consumer organisations have begun work with international networks and businesses:
  - CASE Singapore and consumer organisations are working with the Internet Society (ISOC)
  - An Indian consumer organisation is working with Google to deliver capacity building programmes
- IBON Foundation in the Philippines is scoping the development of a constituency to assert digital consumers' rights.
- In 2015, YLKI from Indonesia and the Communication Research Center of Indonesia University conducted a fixed broadband satisfactory study on residents and tenants in Indonesian cities.
- In India, the Internet Freedom Foundation is in the process of incorporation, building on the success of the SaveThe Internet campaign.

### 4.3.3 FACTORS THAT IMPACT DIGITAL DEVELOPMENT

#### Political:

##### Lack of ownership of digital issues

Similar to the concerns highlighted by interviewees in the Africa and Middle East region, consumer organisations in the Asia Pacific region are concerned there is a lack of ownership of digital issues within government. A consumer rights expert from the region states that in India, prior to 1985, the government took responsibility of consumer protection now it is less clear who consumers can turn to.<sup>61</sup> They further stated that one of the most worrying things for consumers in the region, regardless of their country, is knowing who is accountable and responsible for consumers' digital issues, especially those related to cybersecurity.

##### Surveillance of individuals

Similar to the Africa and Middle East region surveillance of individuals was highlighted as a major concern and a threat to consumer's privacy, security and safety online. The process of asking for individual's details (often biometrics) when registering SIM cards is mandatory in Thailand, India and Pakistan. Governments state that this process can help mitigate national security concerns and reduce criminal and anti-social behaviour.<sup>62</sup> However, at present there appears to be no empirical evidence that supports these claims.<sup>63</sup> Furthermore, there are concerns about the privacy of sensitive consumer information being held by companies. The process can be costly (especially if biometric elements are added) and it excludes consumers who don't have personal documentation. It should therefore be considered whether such mandatory processes are appropriate for all countries.

#### Economic:

##### National development strategies

Governments may wish to build the economy and invest in infrastructure to improve the quality of internet services, regardless of the impact on other rights. A number of countries see the adoption of new technologies, such as the Internet of Things, as central to economic growth strategies. For example, Singapore has deployed regulatory sandboxes to encourage tech start-ups to develop in their country.<sup>64</sup> Whilst Malaysia has developed a National IoT Strategic Roadmap that aims to increase the use and industrialisation of Internet of Things as a new source of economic growth.<sup>65</sup>

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61 Interview with Satya Sharma, Consumers International Asia Pacific

62 GSMA, 'Mandatory registration of prepaid SIM cards; addressing challenges through best practice', April 2016. See: <https://www.gsma.com/publicpolicy/wp-content/uploads/2016/04/Mandatory-SIM-Registration.pdf>

63 Ibid.

64 'FinTech Regulatory Sandbox', Money Authority Singapore, 2017. See: <http://www.mas.gov.sg/Singapore-Financial-Centre/Smart-Financial-Centre/FinTech-Regulatory-Sandbox.aspx>

65 MIMOS Berhad, 'National Internet of Things (IoT) Strategic Roadmap: A Summary', 2015. See: [http://www.mimos.my/iot/National\\_IoT\\_Strategic\\_Roadmap\\_Summary.pdf](http://www.mimos.my/iot/National_IoT_Strategic_Roadmap_Summary.pdf)

These are positive developments, however the rapid influx of these technologies in societies where data protection, privacy and security legislation is lacking can leave consumers vulnerable. A respondent from a consumer rights organisation in the region stated that at present despite rapid changes in technology, there is a lack of focus from government and civil society on cybersecurity. The majority of work in this area is focused on internet safety.<sup>66</sup> Whilst educating consumers about how to stay safe online is an important part of ensuring their safety, given the developments and national strategies focused on creating ecosystems of connected technology, more nuanced discussions about consumer rights and the complexity of these new challenges needs to take place.

## **Consumer Resignation**

Consumer organisations stated that even if a service is poor quality and consumers are dissatisfied, consumers may accept their lot and continue using the service. This is because without access to information about alternative services, consumer rights, or mechanisms for redress consumers become confused about what to do or where to turn. If there exists a high level of consumer resignation, drive for change will be lowered. In the long term, this can result in service providers being able to act without giving thought to consumers and citizens as their voice is weak and uninformed.

## **Social:**

### **Low levels of literacy**

A consumer organisation in the region stated that “the issue of low digital literacy is leading to security breaches and hacks. Consumers don’t follow the prescribed guidelines and often fall in traps... the massive penetration of smart phones has aggravated the situation”.<sup>67</sup> Improving companies’ disclosure of information and transparency in the services they provide has the potential to improve consumers’ digital rights. However, if consumers do not have the skills to interpret this information, the effectiveness of consumer protection will be limited. As was the case in the Africa and Middle East region improvements to literacy levels will have a positive impact on all areas of consumer digital protection and empowerment.

### **Social identities and marginalisation**

A consumer rights expert in the Asia Pacific region highlighted the importance of understanding how different social identities experience marginalisation. The gender divide in digital access was highlighted as a major concern by regional experts during interviews and one that will affect achievement of all areas of the framework.<sup>68</sup> Another issue highlighted was the differences in development between countries and what this means for the capacity of the consumer movement. It was noted that when thinking regionally we must be aware that countries such as Bangladesh, Pakistan and Indonesia have populations that for the most part aren’t online.<sup>69</sup> This poses a challenge for both consumer organisations and digital rights organisations working regionally.

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<sup>66</sup> Interview with Satya Sharma, Consumers International Asia Pacific

<sup>67</sup> Consumer Voice, India from Consumers International 2016 Member Survey

<sup>68</sup> Interview with Satya Sharma, Consumers International Asia Pacific

<sup>69</sup> Ibid.

## Technological:

### Bad commercial practice

Consumer organisations in this region reported that service providers do not offer sufficient information about speed coverage and quality of internet connection.<sup>70</sup> A consumer organisation in Indonesia stated that even if providers provide information there is no guarantee of the accuracy of the information due to the fact that there are no bodies verifying or monitoring its credibility.<sup>71</sup> Consumer organisations from Asia Pacific stated that such practices are a contributing factor to the persistence of low quality internet connections in the region. Without access to clear and credible information consumers will not be aware of how to improve their circumstances.<sup>72</sup>

### 4.3.4 SIGNIFICANCE FOR ADVOCACY

The Asia Pacific region has one of the widest ranging levels of consumer protection for digital issues as governments attempt to balance the rapid growth of ICTs with their concerns over social stability, national security, and cultural values.<sup>73</sup> A common theme throughout the region is the slow passing of legislation. In Pakistan data protection and privacy law is in its draft stages. In Indonesia and Thailand general laws on protection of privacy rights are used to cover data privacy, thus in general for the region strengthening and supporting awareness of the importance of legal frameworks could be improved.

Within the region there are a number of strong and well-established consumer organisations who are starting to work on digital issues affecting consumers. In comparison to Latin America however, digital rights groups are less developed due to more restrictive internet and civil society spaces controlled by the government. Advocacy strategies should encourage those who regulate and manage internet society that the internet is an opportunity and not a threat. Digital communications can also enable governments and advocates to learn more effectively from other countries' experiences, thus rationalising and targeting the process of advocacy.

Digital and consumer rights experts were both concerned about consumer's privacy and security online. These concerns were compounded by policies such as the mandatory sharing of personal details when registering for SIM cards in many countries and the slow progression of data protection and privacy laws. There was also a concern focus on consumer rights regarding internet safety was not keeping abreast of new technological developments. Increased communication and knowledge sharing between consumer, digital rights groups and government could increase capacity in this area.<sup>74</sup>

In sum, this section looked at how national and regional external environments affect digital development and advocacy strategies working to improve digital consumer rights. The next section considers where digital policy is made and influenced, and whether consumer organisations have the capacity to impact these processes.

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70 Consumers Association of India from Consumers International 2016 Member Survey

71 YLKI Indonesia from Consumers International 2016 Member Survey

72 Macao Consumers Council, from Consumers International 2016 Member Survey

73 Open Net Initiative, 'Asia' 2010. See: <https://opennet.net/research/regions/asia>

74 Interview with Satya Sharma, Consumers International Asia Pacific

## 5. INFLUENCING INTERNATIONAL AND REGIONAL PROCESSES AND ORGANIZATIONS ENGAGED IN CONSUMER DIGITAL RIGHTS ISSUES

This section starts by examining the processes and organisations where digital policy and standards are set, in both a global and regional context. It also looks at which civil society organisations are currently active, followed by commentary on each of these bodies and organisations. This will help to understand and assess the environment for digital policy making and therefore the challenges that both consumer rights organisations and digital rights organisations face in influencing digital policy.

The rest of the section looks at the nature and structure of consumer organisations to add further insight into why they have not as successful in influencing regional or international internet and digital policy making as they have been for consumer policy. The section finishes with a discussion of the wider issue of a lack of representation for developing countries in terms of influencing international internet and digital policy.



**Table 3: Main sites of influence and bodies seeking to influence global and regional internet and digital policy**

FOCUS OF INFLUENCE				INFLUENCERS: CIVIL SOCIETY
	a. Guidelines, recommendations, agreements, bodies	b. Standards	c. Registries	d. Digital rights organisations/ internet access groups/Academia
Global or International	UN (various committees) OECD: CCP, DEP G20 WTO	ISO ITU IETF W3C	ICANN	Internet Governance Forum, Internet Society, World Wide Web Foundation, Association of Progressive Communications, Access Now, Article 19, Network of Centres, Consumers International (for issues related to consumer policy)
Latin America	OAS eCLAC	AMN MERCOSUR Standardization Association (AMN)	LACNIC	(LACIGF) ISOC Latin America and Caribbean Derechos Digitales
Africa and Middle East	African Union African HRC ECOWAS, SADC, ECCAS, EAC, AMU, COMESA	EAC GCC Standardization Organization (GSO)	AFRINIC RIPENCC (ME)	African IGF, East Africa IGF West Africa IGF, Southern Africa IGF, Arab IGF ISOC Africa and ISOC Middle East iHub, African Network of Civil Society for Information Society, CIPESA, KICTANet, SMEx, CIPIT
Asia Pacific	ASEAN APEC	ACCSQ APRICOT	APNIC	Asia Pacific IGF, Central Asia IGF, Pacific IGF ISOC Asia Pacific Bureau, LIRNEasia Digital Asia Hub, Engage Media, Centre for Information Society

## 5.1 SITES OF INFLUENCE AND BODIES SEEKING TO INFLUENCE

Below is expanded commentary of the bodies and organisations in table 3. It considers their role as either a site of influence or an advocacy body seeking to have influence.

### 5.1.1 GLOBAL OR INTERNATIONAL GUIDELINES, RECOMMENDATIONS, AGREEMENTS, BODIES

**The United Nations (UN):** As mentioned before, the UN Guidelines for Consumer Protection are an important document for promoting consumer rights in developing countries.

**“there’s no doubt at all that the guidelines are effective, countries borrow from them for their legislation, they’ve even been part of constitutions”**

**Robin Simpson, UN Consultant on Consumer Protection**

Consumer organisations are well placed to influence the guidelines, as the global consumer movement was central to their creation in 1985. However, digital content in the Guidelines is limited, despite significant efforts during the recent revision process. The establishment in 2015 of an ongoing process to review and support implementation of the Guidelines may offer opportunities to continue development.

**UN Conference on Trade and Development (UNCTAD)** is a permanent intergovernmental body of the UN, reporting to the UN General Assembly. It is also involved in policy development that is consistent with the guidelines but adds further detail and analysis. UNCTAD produce the cyberlaw tracker and e-trade for all platform, and the ICT Development Index. An issue common to any UN body, is that while they are doing a lot of work on human rights and digital, the processes are lengthy and slow. Less progressive countries have ‘cover’ to reduce positions to the lowest common denominator.

**World summit on the information society (WSIS)** the WSIS set up the Internet Governance Forum in 2015, acknowledging the importance of stakeholder engagement in internet policy. There are also other UN committees relevant to digital rights include: **Cybersecurity, Human Rights and Freedom of Information.**

**G20:** In contrast, international groups with smaller memberships such as the G20 were not just small and influential, but better able to exert peer pressure on the less progressive voices.<sup>75</sup> Consumers International had formal engagement with the G20 agenda during the German presidency and used this to advocate for digital consumer rights in a communiqué that was adopted by Digital Ministers. Consumers International is co-operating with the Argentinian presidency of the 2018 G20 summit.<sup>76</sup>

**Organisation for Economic Co-operation and Development (OECD):** is an important organisation for international consumer policy, as developed content can be lifted into legislation, and ministerial guidelines are a form of legal instrument, although its application is unclear. They have an active consumer policy committee, on which consumer organisations are represented by Consumers International. There is a digital policy committee which could be a more effective route to change but capacity to engage is limited.

<sup>75</sup> Interview with Robin Simpson, UN Consultant on Consumer Protection

<sup>76</sup> ‘Consumer movement welcomes statement from G20 digital ministers’. Consumers International, 2017.

See: <http://www.consumersinternational.org/our-work/digital/digital-news/2016/2017-04/g20-communique/>



## “Developing countries pay a lot of attention to OECD policy, but the OECD doesn’t necessarily pay attention to developing countries”

**Robin Simpson, UN Consultant on Consumer Protection**

The OECD’s membership consists of mainly high-income countries, meaning policy is developed from their perspective. This can be problematic for developing countries as policy is not developed with their interests and experiences in mind.

**World Trade Organisation (WTO):** The WTO’s programme on e-commerce has been in place since 1998. To date the programme has mostly tracked and reported on the development of e-commerce in relation to global trade. Last November China and Pakistan proposed further WTO work on e-commerce with a view to making it easier for developing countries to engage in global trade. A group known as Friends of Ecommerce for Development has published a framework for the new WTO work which highlights seven areas for improving opportunities for developing countries,<sup>77</sup> however some civil society groups argue that such projects are a way to push for low consumer protection regulation.<sup>78</sup> The topic will be discussed at the next Ministerial Conference in Argentina in December 2017.

In terms of the impact of trade agreements on consumer policy, many developing countries see e-commerce as a potential boon for their economies giving them access to much larger and wealthier international markets. However, the processing of personal data is an important element in cross-border e-commerce and if trade and data flows are to be open, consumers must also be assured that their information is secure. Therefore, it is important that data protection policies are compliant with international trade agreements or allowed under exemptions, otherwise there is the potential for countries to be threatened with trade disputes. Trade agreements are also relevant to: ensuring that the free flow of digital products and services is not artificially segmented by IPR barriers; preventing abuse by online sellers with market power; ensuring that online retailer can’t evade necessary product quality and liability rules.

### 5.3.2 GLOBAL OR INTERNATIONAL STANDARDS

**Internet Engineering Task Force (IETF)** is less about internet governance and more about technical design. They operate in the policy context, but are not a policy making body. They create protocols and standards that determine how the internet operates. There is no consumer representation, and as decisions tend to be made by engineers from developed countries there is bias towards those markets.

**World Wide Web Consortium (W3C):** is an international member community made up of commercial, educational and government bodies and individuals. It develops recommendations for formats such as .xml for the world wide web. Consumer representation is possible as it is a very open process but there are currently no consumer organisations listed in its membership.

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77 These are: E-commerce readiness and strategy, ICT infrastructure and services, trade logistics, payment solutions, legal and regulatory frameworks, E-commerce skills development and technical assistance, and access to financing. (<https://www.ip-watch.org/weblog/wp-content/uploads/2017/04/FEDs-mapping-e-Trade-for-All-into-Trade-Policy-April-2017.pdf?2ce7d8>)

78 See for example South Centre and Africa Trade Policy Centre’s Analytical Note on WTO’s Discussions on Ecommerce, January 2017 [https://www.southcentre.int/wp-content/uploads/2017/01/AN\\_TDP\\_2017\\_2\\_The-WTO%E2%80%99s-Discussions-on-Electronic-Commerce\\_EN-1.pdf](https://www.southcentre.int/wp-content/uploads/2017/01/AN_TDP_2017_2_The-WTO%E2%80%99s-Discussions-on-Electronic-Commerce_EN-1.pdf)



**International Telecommunications Union (ITU):** sets industry standards in relation to the internet, with representation from nation states. It currently has very limited consumer representation but is seeking to expand its remit<sup>79</sup> into internet governance which would be an opportunity to promote consumer and citizen representation. It is a multilateral model as opposed to a multi stakeholder model, which has generally been preferred by the internet community but there are advantages and disadvantages to each.<sup>80</sup> The structure of multilateral agencies like the ITU makes it easier for developing countries to participate on an equal footing with developed countries.

**International Standards Organisation (ISO):** the international standard regime develops international standards for implementation by companies with a broad range of stakeholders. International standards are not legally binding, but they can be legislated for by governments, they can also be more effective as a route to change as service providers implement them directly. Negotiating the content of standards with business has advantages and disadvantages. Ideally, it makes civil society engage much more fully in business processes and thus can create more applicable content that meets both consumer and industry needs, avoiding adversarial approach can bring about a more positive outcome. On the other hand, if businesses do not see the value of a consumer-centric approach, it can be hard to make gains. Again, they can be particularly valuable as a route for change in countries with less consumer protection frameworks:

**“in some ways ISO can have more meaning than policy in places where legislative framework is so weak”**

**Robin Simpson, UN Consultant on Consumer Protection**

There are many ISO standards relating to digital, with which Consumers International is engaged but mostly on consumer facing ones such as sharing economy and mobile payments standards, and the new privacy by design standard.

European consumer standards organisation ANEC<sup>81</sup> is proposing a standard that allows consumer goods and service providers to address all lifecycle issues of privacy by design with one cohesive standard. It is considered that having several standards covering the numerous phases of product design, update and withdrawal leads to consumer confusion. The standard aims to be more consumers centric and to ensure designers and manufacturers provide goods and services that meet consumer's privacy needs. The standard posits that security assurances are needed to prevent unauthorised access to data as fundamental to consumer privacy. Another important feature of the proposed standard is that designers create products that are practical for consumers to use and understand with respect to security and privacy.

79 At a key vote at the plenipotentiary in 2018

80 W. H. Dutton, 'Multistakeholder internet governance?' World Bank, 'Digital Dividends', 2016. See : <http://pubdocs.worldbank.org/pubdocs/publicdoc/2016/1/591571452529901419/WDR16-BP-Multistakeholder-Dutton.pdf>

81 'Privacy by Design', ENISA, 2017. See: <https://www.enisa.europa.eu/topics/data-protection/privacy-by-design>

There may be additional standards that impact on consumers that could be influenced. Consumers International has strong representation and influence at ISO. If ISO does not commit to developing a global standard, then regional standards bodies sometimes develop their own. Regional bodies also act to influence ISO standard development.

### 5.1.3 GLOBAL OR INTERNATIONAL REGISTRIES

**Internet Corporation for Assigned Names and Numbers (ICANN):** the internet registry, more explicitly has space for diversity of voices. ICANN assumes geographic diversity, is not made up solely of engineers and has spaces for 'community' from a wider array of backgrounds. Funding is made available for travel. However, ICANN can raise questions of conflicts of interests as its role in creating more 'choice' of domain levels is the way in which they create their profit. Many developing countries are now also members of ICANN's Governmental Advisory Committee, though that doesn't mean they're prominent in its debates.<sup>82</sup>

### 5.1.4 GLOBAL OR INTERNATIONAL DIGITAL RIGHTS ORGANISATIONS; CIVIL SOCIETY

**Internet Governance Forum (IGF):** set up by the WSIS to improve stakeholder engagement in internet policy, is much more civil society focused but can lack a clear remit and does not directly create policy. It has a diverse membership and networking can be very valuable, but it is difficult to prove a causal effect of their activity. There are also regional and sub-regional IGFs whose aim is to bring together groups to help develop policy frameworks, there could be opportunities for pushing their role more as 'ambassadors' for citizens and consumers in formal decision making. A respondent from Africa said they had not seen direct activity from consumer rights organisations, and so they included consumer rights aspects instead.<sup>83</sup>

**The Internet Society (ISOC):** is a useful channel to direct attention to/building new relationships and has resources for influence. It works in three main ways: standards, public policy, access, and education. Their standards role is important for internet governance as it provides a more formal support structure for developing standards in what was originally an informal process by the IETF. With regards to public policy, ISOC promotes its core values with governments, international organisations and civil society and the private sector, and has a prominent role in all internet governance discussions. It has local chapters and a central hub. It does not have a formal role decision making but is the foci of decisions.

**The World Wide Web Foundation:** was established in 2009 by Sir Tim Berners-Lee to advance the open web as a public good and a basic right. They work on policy influence, through partnerships and coalitions; evidence based advocacy (such as the Alliance for Affordable Internet measures); experiments and innovations to test through various labs what works best in local circumstances. The foundation sees the consumer perspective as being much more accessible to people and a way to raise awareness and pressure, however this is dependent on their being a "consumer culture in the country and the existence of consumer organisations to work with."<sup>84</sup> referring to the perception of people in a country of their rights as consumers.

**Association for Progressive Communications (APC):** A global organisation, APC helps people get access to the internet where there is none or it is unaffordable. They help grassroots groups use the technology to develop their communities and further their rights and they work to make sure that government policies related to information and communication serve the best interests of the general population, especially people living in developing countries.

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<sup>82</sup> D. Souter, 'Inside the Information Society: Are developing country voices in ICT decision-making getting louder?', Association for Progressive Communications. 2017. See: <https://www.apc.org/en/node/22528/>

<sup>83</sup> Interview with Lilian Nalwoga, CIPESA

<sup>84</sup> Interview with Craig Fagan, World Wide Web Foundation

**Article 19:** is a multi-stakeholder platform for civil society groups, private sector, development partners and media interested and involved in ICT policy and regulation. The network aims to act as a catalyst to reform the ICT sector in support of the national aim of ICT enabled growth and development.

**Access Now:** defends and extends the digital rights of users at risk around the world, working on privacy, free expression, security, human rights and net discrimination. They use a mixture of policy, advocacy and direct technical support. According to a digital rights expert Access now and Article 19 have thus far not attempted to work with consumer groups due to perceived differences in approach.<sup>85</sup>

**Network of Centres:**<sup>86</sup> is a network of university research departments focusing on internet issues and is a respected and influential grouping that could be very useful for research and resources. The departments tend to focus on a range of issues at national, regional and global level and aim to use findings to help serve the public interest in digital society.

### 5.1.5 GLOBAL OR INTERNATIONAL CONSUMER ORGANISATIONS

**Consumers International:** is the global federation of consumer organisations from over 100 countries, with regional presence in Latin America, Africa, Asia Pacific and Middle East and a global headquarters in Europe. The regional network staff co-ordinate consumer organisations in their geographical area. There are a few examples of regional co-ordination efforts such as OCLAC (Consumer Organisations from Latin America and the Caribbean) but they tend to be ad hoc. The lack of effective opportunities for regional co-ordination which means that most activity takes place at a national level.

### 5.1.6 LATIN AMERICAN REGION GUIDELINES, RECOMMENDATIONS, AGREEMENTS AND BODIES

**Organisation of American States (OAS):** Has two specific digital focuses; cyber security and e-government. Regarding security the OAS seeks to build and strengthen cyber-security capacity in the member states through technical assistance and training, policy roundtables, crisis management exercises, and the exchange of best practices related to information and communication technologies. Regarding their e-government programme, the OAS uses information and communication technology to help governments become more accessible to constituents, improve services and efficiency, and become more connected to other parts of the society. The OAS supports e-Government as it allows for greater access to information and in turn greater transparency and improved relations with citizens. Commentators consider OAS not that relevant in terms of producing meaningful change.

**Economic Commission for Latin America and the Caribbean (eLAC2018):** Representatives from 18 countries approved the Digital Agenda for Latin America during the Fifth Ministerial Conference on the Information Society 2015. This agenda sets forth 23 policy objectives in five areas of action on: access and infrastructure; digital economy, innovation and competitiveness; e-government and citizenship; sustainable development and inclusion; governance for the Information Society. There currently appears no specific department or division for ICT and digital work.<sup>87</sup>

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<sup>85</sup> Ibid.

<sup>86</sup> About', Network of Centres. 2017. See : <http://networkofcenters.net/about>

<sup>87</sup> However there are ongoing discussions about the benefits ICT bring to the region, see: <https://www.cepal.org/en/pressreleases/icts-will-enable-progress-towards-new-relationships-among-state-market-and-society>

## 5.1.7 LATIN AMERICAN REGION STANDARDS

**MERCOSUR:** MERCOSUR is a sub-regional bloc that aims to promote free trade and the fluid movement of goods, people and currency across member countries in South America. The Standardization Association (AMN) sets technical standards and minimum characteristics that products, processes and services shall comply with. Its objectives are to enhance uniformity and productivity, facilitate commerce, enhance productivity and safety, protect the environment and improve communication and understanding between partners.

## 5.1.8 LATIN AMERICAN REGION REGISTRIES

**Latin America and Caribbean Network Information Centre (LACNIC):** The regional internet registry for the Latin American and Caribbean regions. LACNIC provides number resource allocation and registration services that support the global operation of the internet. It is a not-for-profit whose members include internet service providers and similar organisations, with LACNIC adopting an active cooperation policy to consolidate itself as an organisation at the forefront of the growth and development of the internet within the region.

## 5.1.9 LATIN AMERICAN REGION DIGITAL RIGHTS ORGANISATIONS AND CIVIL SOCIETY

**LACIGF:** LACIGF coordinates the Regional Preparatory Forum on Internet Governance which acts as the primary multi-sectoral meeting space for political dialogue where actors from government, the private sector, tech community, academia and civil society come together to discuss challenge of internet governance, create space for debate and identify regional priorities.

**ISOC Latin America and Caribbean:** Regional Bureau of the Internet Society (ISOC), acting as an advisor to other Internet Society departments, providing insight on local business, technology and policy issues and helping the society advance their support.

**Derechos Digitales:** Not-for-profit independent organisation whose fundamental organisations are the development, defence and promotion of human rights in the digital environment in Latin America. The work of the organisation is concentrated on three fundamental themes; Freedom of expression, privacy and personal data, and rights over access and authorship of knowledge.

## 5.1.10 AFRICA AND MIDDLE EAST REGION GUIDELINES, RECOMMENDATIONS AND AGREEMENTS

**African Union:** a successful campaign on digital rights is yet to be seen. African Declaration has been advocated there.

**Africa Human Rights Commission:** during first internet shutdowns, a resolution was adopted criticising shutdowns. The African Charter on Human and Peoples' Rights, adopted a resolution on freedom of expression and access to information on the internet which references the African Declaration on Internet Rights and Freedoms<sup>88</sup> "represents a key opportunity for African National Human Rights Institutes to ensure that the internet is a tool for the flourishing, and not for the repression, of human rights."

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<sup>88</sup> 'The Role of National Human Rights Institutions (NHRIs) in Protection and Promoting Human Rights Online' African Declaration, May 2017. See: <http://africaninternetrights.org/updates/2017/05/article-752/>

**Economic Community of West Africa States (ECOWAS):** A regional economic union of fifteen West African countries with the stated mission to promote economic integration across the region and the aim to create a single large trading bloc by building full economic and trading union. ECOWAS has developed digital identity and biometrics card to enable cross-border travel. The ECOWAS Biometric Identity Card has reached distribution stage in some countries and shows potential to speed border crossing and reduce the proliferation of fake travel documents.

Digital policy experts have suggested that regional organisations such as ECOWAS are capable of setting good policy relevant for the region and using one or two countries as models for the others.<sup>89</sup>

### 5.1.11 AFRICA AND MIDDLE EAST REGION STANDARDS

**East African Community (EAC)'s Standards Technical Management Committee (STMC):** The STMC is responsible for developing and harmonizing East African Standards (EAS). The belief is that greater harmonisation of standards will move the region towards better economic integration.

**GCC Standardisation Organisation (GSO):** The GSO is a standards organisation for the member states of the Gulf Cooperation Council (GCC) and Yemen. Where no GSO standard already exists, it reviews existing global standards and may adopt them.

### 5.1.12 AFRICA AND MIDDLE EAST REGION REGISTRIES

**AFRINIC:** The regional internet registry for Africa. It is responsible for the distribution and management of internet number resources, IP address space and autonomous system numbers. Its mission includes supporting internet usage and development across the continent and strengthen internet self-governance in Africa through a bottom-up, multi-stakeholder process.

**RIPE NCC (Middle East):** Oversees the allocation and registration of internet number resources in the Middle Eastern region. The RIPE NCC supports technical and administrative coordination of the infrastructure of the internet in the region.

### 5.1.13 AFRICA AND MIDDLE EAST REGION DIGITAL RIGHTS ORGANISATIONS AND CIVIL SOCIETY

**African Internet Governance Forum (AfrIGF):** AfrIGF is a regional division of the IGF. There are four regional initiatives (East, Central, Southern and West African). Specific objectives include; increasing awareness and build capacity on internet governance for African users, put in place a coordinated African process for dealing with internet governance issues, strengthen multi-stakeholder dialogue and ensuring that African consumers concerns are taken into account in IGF processes.

**The Arab IGF:** A regional division of the IGF Specific objectives include reaching a common understanding of the priorities of internet governance and mechanisms to respond to specific needs of Arab countries, disseminate the Arab perspective regarding internet governance at the global level and facilitating exchange of information, knowledge and best practice.

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<sup>89</sup> Interview with Craig Fagan, Policy Director at the World Wide Web Foundation

**ISOC Africa:** The Internet Society Africa is the African branch of the Internet Society.

**ISOC Middle East:** The Internet Society Middle East, branch of the Internet Society.

**iHub:** is an ICT incubator providing a part open community space, a part vector for investors and venture capitalists and part incubator. Currently undertaking research to assess how ICT tools are being used for various aspects of governance in Kenya, Uganda and Tanzania. iHub have worked with other digital rights organisations such as Global Partners.<sup>90</sup>

**African Network of Civil Society for the Information Society:** Their aim is to tackle the challenges faced in realizing an open and inclusive information society in Africa.

**Collaboration on International ICT Policy for East and Southern Africa (CIPESA):** CIPESA has positioned itself as the leading centre for research and analysis of information aimed to enable policy makers in the east and southern Africa understand international ICT policy issues. Their overall goals are to develop the capacity of African stakeholders to contribute effectively to international decision-making on ICT and ICT-related products and services; and to build multi-stakeholder policy-making capacity in African countries. CIPESA focuses on decision-making that facilitates the use of ICT in support of development and poverty reduction.

**KICTAnet:** Kenya ICT Action Network is a multistakeholder group for organisations and individuals involved in ICT policy and regulation.

**Centre for Intellectual Property and Information Technology Law (CIPIT):**<sup>91</sup> at Strathmore Law School, Kenya was launched in 2012 in response to the gap in knowledge and research on intellectual property and other aspects of digital law in the country and on the continent.

**Social Media Exchange (SMEX):**<sup>92</sup> is based in Lebanon and works on internet policy research, digital rights, and media development across the MENA region. Their activity covers internet freedom issues as well as some that are consumer related such as internet speeds.

## 5.1.14 ASIA PACIFIC REGION GUIDELINES, RECOMMENDATIONS, AGREEMENTS AND BODIES

**Association of Southeast Asian Nations (ASEAN):** In September 2016 ASEAN Leaders adopted the Master Plan on ASEAN Connectivity 2025 (MPAC 2025). The MPAC 2025 focuses on five strategic areas: sustainable infrastructure, digital innovation, seamless logistics, regulatory excellence and people mobility. The digital innovation initiative aims to establish regulatory frameworks for the delivery of new digital services; support the sharing of best practices on open data; and equip micro, small and medium enterprises (MSMEs) with the capabilities to access these new technologies.

**Asia Pacific Economic Cooperation (APEC):** The APEC Telecommunications and Information Working Group (TEL) aims to improve telecommunications and information infrastructure in the Asia Pacific region by developing and implementing appropriate telecommunications and information policies, including human resource and development cooperation strategies. The TEL Strategic Action Plan for 2016-2020 has as its primary objectives the development of a secure, resilient and trusted ICT environment and enhancement of the digital economy in the region.

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<sup>90</sup> Interview with Leah Kaspar, Global Partners

<sup>91</sup> CIPIT, 2017. See : <http://www.cipit.org/>

<sup>92</sup> Social Media Exchange, 2017. See: <https://smex.org>

## 5.1.15 ASIA PACIFIC REGION STANDARDS

**ASEAN Consultative Committee for Standards and Quality (ACCSQ):** A sectoral body under the ASEAN economic ministers. It is tasked to address the removal of technical barriers to trade to realize the goals of the ASEAN Free Trade Area and to harmonize national standards with international standards.

**Asia Pacific Regional Internet Conference on Operational Technologies (APRICOT):** The Internet Network Operators Summit for the Asia Pacific region, it provides a forum for key internet builders in the region to learn from peers and other internet leaders in global community. Its mission is to develop and advance the skills and understanding necessary to grow a robust internet infrastructure in the AP region.

## 5.1.16 ASIA PACIFIC REGION REGISTRIES

**Asia-Pacific Network Information Centre (APNIC):** Not-for-profit regional internet address registry in Asia Pacific. Provides numbers resource allocation and registration services that support the global operation of the internet. Members include internet service providers, telecommunication providers, data centres, academia and similar organisations.

## 5.1.17 ASIA PACIFIC REGION DIGITAL RIGHTS ORGANISATIONS, CIVIL SOCIETY

**Asia Pacific IGF (APrIGF):** A regional division of the IGF. Includes sub regional divisions of central and pacific APrIGF. Their goal to advance the internet governance development of Asia-Pacific region.

**ISOC Asia Pacific Bureau:** The Internet Society Asia Pacific is the Asian Pacific bureau of the Internet Society.

**LIRNEasia:** a regional ICT policy and regulation think tank active across Asia Pacific. It focuses on creating and disseminating independent, usable, actionable knowledge, through applied research, on documenting and disseminating regional best practices, training and advice.

**Digital Asia Hub:** an independent, non-profit research think tank based in Hong Kong, provides a non-partisan, open, and collaborative platform for research, knowledge sharing and capacity building related to Internet and Society issues with focus on digital Asia. The Hub also aims to strengthen effective multi-stakeholder discourse, with both local and regional activities.

**Engage Media:**<sup>93</sup> have a very broad range of activity supporting activists to use digital media to achieve their goals, they also support civil society to advocate for digital rights.

**Centre for Internet and Society (CIS):** is a non-profit organisation doing interdisciplinary research on internet and digital technologies. They focus on accessibility for persons with disabilities, access to knowledge, intellectual property rights, openness (including open data, free and open source software, open standards, open access, open educational resources, and open video), internet governance, telecommunication reform, digital privacy, and cyber-security. CIS works in India and elsewhere in the region.

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93 Engage Media, 2017. See: <https://www.engagemedia.org/>

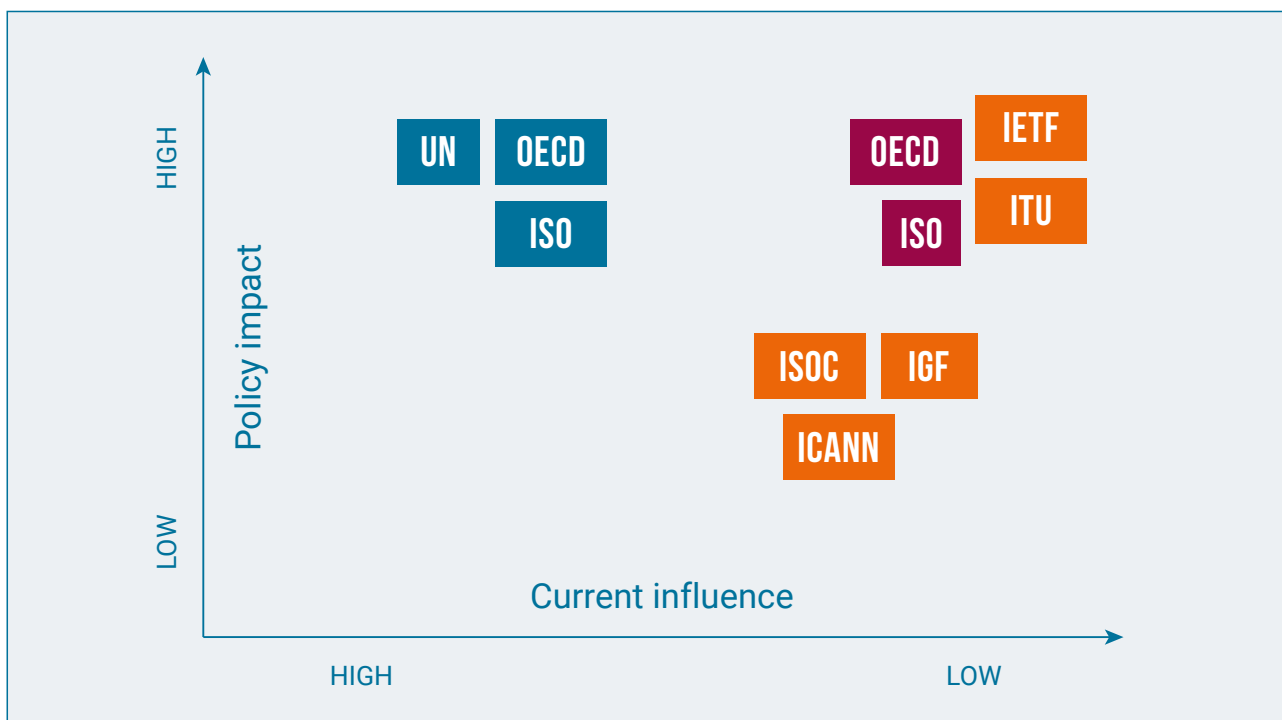


## 5.2 CURRENT GLOBAL POLICY INFLUENCE

At an international level, consumer representatives have been successful at influencing the main sites of consumer policy making. The diagram below shows where consumer policy is made on a global level. Few consumer organisations have entered the complex world of internet governance and policy making at a national or regional level, and none at a global level. There are several meetings and spaces in the international arena of internet governance and rights, but many of them were established for information and networking purposes, and what happens in these has very little to no impact outside the experts' space.

Another approach to improving consumer representation in digital policy is to refer to digital issues in consumer policy and guidelines. However, consideration must also be given to how policy and standards that impact on consumers in the digital economy and society is created. The figure below shows where these might be and their relation to current sites of consumer influence.

**Figure 8 Digital policy impact vs current international consumer organisation influence**



In the diagram, the blue squares denote where international consumer policy is made, the orange denotes where internet policy and governance policy making is located and the dark red denotes that organisations have parallel digital and consumer processes. The blue squares show where consumer representation and influence are currently best established.

It is clear from this diagram that achieving consumer representation in international policy processes is possible, however it is the result of long term relationships and influence and so may not be so easily replicated across to international digital policy processes, particularly for developing countries.

Next we consider two challenges: firstly, increasing the representation of developing countries in digital policy making at the regional and international level; secondly, building the capacity of consumer organisations in developing countries so they are able to engage in digital policy making processes nationally and regionally.



### 5.3 DEVELOPING COUNTRY REPRESENTATION IN INTERNATIONAL DIGITAL POLICY

Since the World Summit on the Information Society in 2005 which recognised the role of the internet in development and growth, multi-stakeholder participation in decision making has grown.<sup>94</sup> At the same time, much of the discussion about the internet within international institutions such as the UN has been more geopolitical (as opposed to technical) with arguments falling along familiar global north vs global south lines.

The number of international fora has also grown, as the issues requiring international coordination and the number of relevant policymaking spaces increase to reflect the importance of the internet. David Souter from the Association of Progressive Communications (APC) thinks that developing country voices are now louder:

**“Developing country voices are more loudly heard in UN debates around ICTs than in 15 years ago 2002, in the General Assembly, not least, through the G77 group of countries. There’s much more activity on ICT policy in UN Regional Commissions and other regional multilateral agencies than there used to be. That’s added value and coordination to a degree.”<sup>95</sup>**

However, he expresses concern that the balance of the co-operation is tipped in the global north’s favour not just in policy but in many other areas:

**“Each year, concerns expressed at the Internet Governance Forum (IGF) about the need to increase developing country participation, especially from governments. Policy fora in critical areas of cyberspace, such as cybersecurity, are led by Northern voices, Northern governments and Northern interests. Developing countries play very little part in deciding where the Internet is headed technically, in the services and applications designed/deployed by global businesses, in the next waves of innovation.”<sup>96</sup>**

The international decision-making environment, though, is much more complex and demanding now than it was fifteen years ago. Developed countries and international businesses which have the resources to engage effectively in their own interests should reflect on this. Discussions about issues like cybersecurity and the Internet of Things need to address their impact on developing countries too. Without their participation, the decisions made will be neither inclusive nor secure.

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94 This section is heavily drawn from David Soutre’s analysis from the Association of Progressive Communications <https://www.apc.org/en/node/22528/>

95 D. Souter, ‘Inside the Information Society: Are developing country voices in ICT decision-making getting louder?’, Association for Progressive Communications. 2017. See: <https://www.apc.org/en/node/22528/>

96 Ibid.

## Where is the best place to influence?

One commentator noted that tech companies view many of these organisations (with the exception of IETF) as largely ineffective.

**“Where is internet policy made? Everywhere and nowhere... Perhaps the best way to influence policy is through companies... who are effectively setting ‘standards’ or norms for privacy and access”**

**Dr Victoria Nash, Internet Governance Specialist, Oxford Internet Institute**

## 5.4 THE CAPACITY OF CONSUMER ORGANISATIONS TO ENGAGE EFFECTIVELY ON DIGITAL CONSUMER ISSUES

Below is a summary of the existing capacity of consumer organisations to engage on digital issues, which begins with some context setting to understand how they work and how capacity could be most effectively built. Commentary and analysis is based on the membership of Consumers International. For a list of active consumer organisations and their advocacy approaches please consult appendix 6.

Consumer organisations have as a primary objective the protection and promotion of consumer rights and legitimate needs. Many of Consumers International’s members have been working on consumer issues for decades, and are the ‘go-to’ organisation for consumer protection in their country with strong links to decision-makers. In addition, they are independent organisations, free from commercial or political influence, so that they can represent consumers without any conflict of interest.

Consumer organisations in the developing world are diverse, shaped by their different social, cultural and economic environments. They range from well-known and stable organisations in Latin America and Asia to one-person operations in some African and Caribbean countries. Often, consumer groups are a result of the efforts of volunteers that gather to fight inequalities and the enactment of consumer rights in their countries. Of the members from countries covered in this study, around 70% had incomes of less than \$60k and 40% less than \$20k.

The legislative context that organisations in developing countries work to influence tends to be characterised by: low awareness of consumer protection issues; limited resources for the development of consumer protection frameworks and poor enforcement of existing regulations and standards. Resources are often scarce, both to public authorities that must enforce consumer rights and consumer associations that speak on behalf consumers.

Lack of resources impacts the topics that are prioritised and choice of tactics. *“The big challenge has always been lack of financial capacity to do great work on digital issues”*.<sup>97</sup> Therefore, long standing issues such as water quality and access, energy, food safety and food security remain higher priorities on lower income country members’ agendas. Low resources impact the choice of topic in other ways too. In countries with weak national regulatory structures, small organisations tend to focus their limited capacity on integrating the UN guidelines for consumer protection as a guiding framework. Digital issues were only included in amendments made in 2015 which means that they were not given that much attention prior to this.

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<sup>97</sup> Interview with Xaverine Ndikumagenge, Consumers International Africa

In both Latin America and Africa, our members see direct consumer demand as being the most important factor driving change in consumer protection. African members report feeling global economic influences more keenly in terms of impact, at 79% compared to 54% amongst European/ North American members. Other regions, such as Asia Pacific, put corporate behaviour as more important in improving consumer protection.

This view will influence the choice of activity an organisation uses for advocacy. Some organisations will be much more activist in their approach, using street protests or calling for national boycotts. Others focus on education and awareness as basic consumer literacy is so lacking and not done through official channels. Others may be much closer to government and able to influence behind closed doors. Most consumer organisations do not work directly with business to influence change, but may engage with business on awareness campaigns for consumers.

Whichever approach is preferred, the nature of digital issues will impact on its success:

- Most activity has tended to be education and awareness-raising. Arguably, outside of basic information on how to stay safe or private online or how to use services, there is little of significant influence that information provision can serve in digital contexts.
- For those with a focus on legislative environments, points of influence are hard to identify, due to not all countries having a set digital plan or ministry or nodes of responsibility. *"I'm not sure if members know if there are national digital policies and how to influence these"*<sup>98</sup> Where there is awareness of these policies, the tendency to call for more regulation as a first option tends to *"fall on deaf ears"*.<sup>99</sup>
- Increasingly the shape of the digital world is formed at the corporate level, and so influencing the policy framework around business may be necessary but not sufficient in producing positive change for people. An approach that brings together key actors including business, technologists, universities etc could be a more effective way to create change faster, rather than relying solely on legislative routes.
- Finally, where consumer organisations have sought to influence internet regulation, priorities appear to depend on the direction the governance of the internet is taking within their national boundary. This may not be making the most of the opportunity to come together across national boundaries for more systemic change. It also means that consumer organisations are in the position of responding to policy change instead of shaping them, and that change will be slow and likely piecemeal.

Capacity is also limited because of the approaches and cultures of consumer organisations, which mean digital issues are not embedded in strategies due to:

- The way it has been conceptualised, for example if it were to be talked of in terms of something recognisable such as infrastructure it would have been easier to engage with. As digital issues are so broad, it can be hard for an organisation to get a sense of where best to engage and try to influence and how.
- Perceptions of consumer organisation staff: *"They think it's a world they can't access – it's technical and out of their comfort zone... they don't have the digital 'chip' inside"*.<sup>100</sup>

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98 Interview with Antonino Serra Cambaceres, Consumers International, Latin America

99 Interview with Arnau Izaguerri, UNCTAD

100 Interview with Antonino Serra Cambaceres, Consumers International, Latin America

- Digital product and service structure doesn't fit into consumer organisations natural activity such as testing and comparisons. For example, comparisons of mobile tariffs are very difficult given the huge amount available. Furthermore, testing which is already an expensive pursuit, is even more complex for digital products.
- The way in which digital innovation disrupts traditional company activity and borders between sectors, means that digital policy does not always find a single base/home in regulation and government. In the same way, it does not fit into consumer organisations traditional structure, as only a very few have a 'digital' department. For a long time, digital issues were limited to those with telecoms link as this would have been part of consumer organisations' remit, as they have grown to cover a wider range, organisations have not restructured to reflect this.

This section outlined the key sites of digital policy making, followed by an assessment of why they are difficult to influence as a developing country organisation and as a consumer organisation, despite success in influencing international consumer policy.

Bearing in mind the challenge of influencing at the national, regional and international level, the next section proposes a new approach to connecting both the theory of consumer rights and empowerment with that of digital rights and internet freedom, and the practical ways in which groups working across both areas can achieve their shared goals.



# 6. CONNECTING ORGANISATIONS: NEW PARTNERSHIPS BETWEEN CONSUMER AND DIGITAL RIGHTS ORGANISATIONS

We've seen from the evidence and analysis in parts two to five how a range of problems, challenges and issues come together to make it difficult to assert internet freedoms and digital consumer rights as a consumer or citizen.

This section will now turn to look at the opportunity for consumer and digital rights organisations to work in a more effective way to achieve a stronger digital society for consumers and citizens. It considers collaboration in terms of both theory and practice.

## 6.1 THE VALUE OF A CONSUMER PROTECTION AND EMPOWERMENT APPROACH IN BUILDING A STRONGER DIGITAL SOCIETY

### 6.1.1 CONSUMER RIGHTS

Consumer rights are not always considered as a primary channel to which a stronger digital society can be achieved. However, understanding how consumer rights, protection and empowerment approaches apply far beyond the market place reveals the valuable contribution consumer protection can make to an open, rewarding and secure internet.

Consumer rights are not just limited to transactions and purchases. They are about people's ability to consume, the consumption choices that are available and whether they are treated fairly. These factors fundamentally affect the quality of their lives and the lives of those around them. The UN Guidelines on Consumer Protection were adopted by the UN in 1985 and revised in 1999 and 2015.<sup>101</sup> The guidelines refer to legitimate needs of consumers worldwide. Principles and recommendations contained in the UN Guidelines on Consumer Protection may not legally binding but act as a 'moral mandate' for countries and are a powerful tool in places with no consumer rights act.

Essentially, consumer rights help to secure people a decent standard of living, with provisions on food, shelter, education and health and essential services. All these issues are part of the UNGCP as they are aiming to promote an adequate level of protection in a fair, just and sustainable economic environment.

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<sup>101</sup> During the revision process, Consumers International advocated for new guidance on e-commerce, privacy, and parity of treatment between online and offline consumers.

## 6.1.2 LINKS TO OTHER RIGHTS AND DEVELOPMENT FRAMEWORKS

Some requirements in the guidelines refer to specific objectives that link to essential human rights enshrined in UN resolutions, declarations and covenants.

### UN Human Rights Declaration (1948)

- Article 25 “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services”
- Article 12 “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”
- Article 19 “Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

### OECD Guidelines on the Protection of Privacy (2013)

There are also links in part to data protection principles and rights, **eg access, minimisation, objection, erasure, rectification, compensation, independent supervision.**

Under international laws, the universal right to freedom of expression is well defined and clarified in many legally binding instruments, declarations and principles. Each country may have its own reservations on freedom of expression, depending on the country’s social and religious norms.<sup>102</sup>

**UN Sustainable Development Goals:** Consumer protection is an important means through which countries can support the implementation of many, if not all, of the UN Sustainable Development Goals. For example, giving low income consumers: access to affordable goods, services and public utilities; a stronger voice in the market; protecting them from unsafe and unfair. In similar ways improved consumer protection can also contribute to food security and nutrition, education, health and well-being and many of the other goals.

In 2009, the **United Nations Human Rights Council (UNHRC)** bought both the Sustainable Development Goals and rights to free expression together in its 2016 non-binding resolution,<sup>103</sup> reaffirming the right to freedom of expression, recognising the global and open nature of the internet as a driving force in accelerating progress towards achieving the Sustainable Development Goals, recognising rights to privacy and affirming the importance of applying a human rights-based approach in expanding access to bridge the many forms of digital divides.<sup>104</sup>

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102 Article 19 (3) of the ICCPR, “It may therefore be subject to certain restrictions, but these shall only be as are provided by law and are necessary: a. for respect of the rights or reputations of others b. for the protection of national security or of public order, or of public health or morals.”

103 Russia, China, Saudi Arabia, South Africa, and India did not sign the resolution due to issues with the segment “condemns unequivocally measures to intentionally prevent or disrupt access to our dissemination of information online”

104 United Nations General Assembly Human Rights Council, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development (A/HRC/32/L.20), June 2016. See : <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G16/131/89/PDF/G1613189.pdf?OpenElement>



## 6.2 CONSUMER RIGHTS AS AN ENABLER

Strictly speaking, it was not a 'right to internet access' that was affirmed in the UNHRC resolution. It was a statement on the importance of internet access for the of several human rights. And therefore, also a criticism of actions that restrict internet access and content.

This has not stopped calls for internet access to be considered a basic human right. 83% of respondents from twenty different countries, surveyed by the Internet Society in 2012, agreed that it should be.<sup>105</sup>

**The UNGCP<sup>106</sup> get closer to providing internet access and other digital rights as basic rights.** They recognise "access by consumers to essential goods and services" as a legitimate need, as well as "the protection of consumer privacy" although they water it down by adding "and the global free flow of information". Internet access in this sense can be classed as an essential good or service. As with any UN guideline or resolution, this is not legally binding acts as a 'moral mandate' for countries and influences practice, particularly in countries with a less developed regulatory framework.

Regardless of status of these rights, there are two elements here. The first is the right to access as an **independent** right, the second is the right to access as an **enabling** right which allows for the ability to make real, other key human, economic, social and consumer rights such as freedom of expression, right to information, right to associate, access to essential financial services, right to development, rights to choose and so forth.

It is only when the full range of experiences are considered as one that people will be able to fully participate in and help to build a stronger digital society. Understanding how people experience the digital world as a whole will help develop more effective strategies for getting people's voices heard in the development of digital policy to achieve better outcomes for people as private and public citizens and consumers. Taking an approach that is joined up internationally and centres around useful influence points within countries will be beneficial.

## 6.3 CONSUMER ADVOCACY APPROACHES AS ENABLERS

Despite the diversity of approaches, consumer organisations tend to focus their arguments on the direct impact policies and practice have on people; focusing primarily on household and financial concerns. This means they are well practiced in making issues directly relevant to people's everyday lives. This style can also link more directly to popular policy and allows consumer organisations to hold the centre ground in international decision-making bodies, with more extreme views sitting at either end of the spectrum.

Another advantage to bringing together arguments and advocacy in one place was introduced in section two. Table 2 showed how we are seeing the increased blurring of the traditional lines between citizen and consumer regulation and protection, with the pervasive use of digital often impacting both at the same time. This helps alleviate a major concern for many digital rights groups – their inability to convince actors outside of the digital rights and internet freedom communities that digital rights are a priority for all.

Different civil society groups naturally have different guiding principles whether this be consumer or human rights, however as societies continue to digitalise, the rights issues begin to affect a wide range of topics in multifaceted ways.

<sup>105</sup> Internet Society, 'Global Internet Report 2016', 2016. See: [https://www.internetsociety.org/globalinternetreport/2016/wp-content/uploads/2016/11/ISOC\\_GIR\\_2016-v1.pdf](https://www.internetsociety.org/globalinternetreport/2016/wp-content/uploads/2016/11/ISOC_GIR_2016-v1.pdf)

<sup>106</sup> UN General Assembly, 'Resolution adopted by the General Assembly on 22 December 2015, 70/186 Consumer Protection', February 2016. See: [http://unctad.org/meetings/en/SessionalDocuments/ares70d186\\_en.pdf](http://unctad.org/meetings/en/SessionalDocuments/ares70d186_en.pdf)

**“mobile is at centre of everything we do today; our children, schools, relationships, graduation, finding a job etc; if mobile internet is under attack then everything is under attack.”<sup>107</sup>**

Furthermore, if we consider that the Internet of Things is set to further infiltrate our daily lives; where we could see interconnected devices giving “companies the power to interrupt our food supply”<sup>108</sup> then all of this is important.

## 6.4 ADDRESSING CHALLENGES TOGETHER

The desk research and interviews showed that there is an opportunity to build a stronger and more co-ordinated alliance of consumer rights and digital rights organizations, which with investment and capacity, would be able to better understand and influence digital policy at a national, regional and international level. This would help with some of the challenges that both groups currently face.

### 6.4.1 CHALLENGES FOR DIGITAL RIGHTS GROUPS

**Demographics:** Whether it is activists needing to understand consumers better or governments needing to understand technology better; creating a basis of common understanding is key to successful collaboration.

**“many [digital rights] organisations are mainly lawyers or sociology ‘intellectuals’, who need to understand the technology part better”.<sup>109</sup>**

**Finding the appropriate channels of communication:** One interviewee highlighted the difficulty of getting the appropriate stakeholder to listen which highlights a lack (or perceived lack) of appropriate channels of communication. As digital rights is a relatively new field, these groups will not have been able to establish the partnerships and channels of communication that other rights groups have.

**“most of the time authorities think we are making noise; they want us to engage instead of antagonise. This process of engagement is important, but they don’t listen to anything until we antagonise”.<sup>110</sup>**

**Maintaining impact:** Once effective channels of communication have been opened it is important that this information gets back to the people who need it most. Whilst big wins and collaboration are important it is essential that the benefits feed back into communities.

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107 Interview with Gbenga Sesan, Paradigm Initiative Nigeria

108 Ibid.

109 Interview with Maria Paz Canales, Derechos Digitales

110 Interview with Lilian Nalwoga, CIPESA



**“how do we make this engagement useful so that it bears results? [We] make sure that it gets back to constituencies, it is important to engage locally”.<sup>111</sup>**

## 6.4.2 CHALLENGES FOR CONSUMER ORGANISATIONS

**Keeping up:** One main challenge for consumer rights groups is keeping up to date with the fast pace of changing issues in the digital realm. Without in-house technical experts this can seem daunting, however without an understanding of the latest developments consumer groups will fail to represent consumer concerns, as was the case with ICT groups in Uganda who *“died a natural death as they were silent in internet discussions”*<sup>112</sup>

**Reluctance to work with others:** Compounding the challenge of keeping up to date with the latest digital rights issues, is the concern several interviewees expressed; that often consumer organisations do not want to work with others because they think it is outside of their remit or it is *“too techy”*.<sup>113</sup>

**Finding the buy-in:** Finding the issues that resonate for consumers, and those that are most pressing is a challenge but will also help with improvements in horizontal collaboration across civil society. A commentator from Africa reiterated that *“all issues are linked”* and suggests that we stop trading off issues. Consumer rights groups may get asked *“why aren’t you talking about water? But if you can get them to use simple feature phone to report quality of water, or gaps in education then you can have an effect”*.<sup>114</sup>

## 6.5 THE NEW APPROACH

Working together would enable more innovative and well-rounded solutions to be formulated. It would also avoid trading off different rights against each other, and indeed different organisations against each other. It would help to better allocate and use resources, avoiding duplication between different groups. It would also enable groups to target opportunities more effectively, by learning from each other about how approaches and arguments overlap and assessing where best impact can be.

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111 Ford Research Meeting Feedback, Digital Rights organisation, Africa

112 Interview with Lilian Nalwoga, CIPESA

113 Interview with Antonino Serra Cambaceres, Consumers International, Latin America

114 Interview with Lilian Nalwoga, CIPESA

## Connecting voices: building a coordinated alliance of consumer rights and digital rights organizations to achieve a stronger digital society by:

- Identifying potential opportunities for organisations to work together for maximum impact – these could be based on: issues, opportunities, structures, national policy, international policy, companies, segments of society
- Identifying how solutions are currently developed and where they could be applied for maximum impact
- Identifying potential conflicts in the shared space (eg technology lowers costs but raises surveillance potential)
- Identifying opportunities to influence different communities of decision makers and the key actors who have the most impact on digital policy and practice for example, businesses, technologists etc.

### 6.6 SUPPORT FOR PROPOSAL FROM INTERVIEWEES:

The research interviews with consumer organisations and digital rights organisations revealed appetite and enthusiasm for working together, along with some reservations about the difficulties of bringing together different organisations from different sectors of civil society. The feedback from interviewees presented here reveals insight into how the different organisations operate.

Many respondents saw direct relationships between the consumer and citizen angle in many aspects of their work from the way basic rights, that might traditionally fall into one or other category, interact:

**“When we started working on freedom of expression, we wanted to help people appreciate the benefits of internet... freedom of information became a great concern because the opportunity of the internet comes from the fact that it lets you do anything”**

**Lilian Nalwoga, CIPESA**

Other issues included shutdowns, regulation and trade agreements.

- **Shutdowns:** blanket shutdowns such as the one in Rwanda have a huge impact on all consumers. Everyone recognised the potential for consumer groups to increase understanding of the economic consequences for consumers, and work with companies to better protect the rights of users, by putting pressure on the licence award system.<sup>115</sup>

<sup>115</sup> R. Srivastava and B. P. Abraham. 'Anatomy of virtual curfews: human rights vs national security', 2016. See: [http://www.internetrights.in/wp-content/uploads/2014/11/internet-shutdown\\_updated\\_Final-for-print\\_04-May-TANVEE.pdf](http://www.internetrights.in/wp-content/uploads/2014/11/internet-shutdown_updated_Final-for-print_04-May-TANVEE.pdf)

- **Regulation and management of the internet:** there are major questions around platform liability and the role of powerful intermediaries in shaping flows of information on the internet, are as important for people as consumers and as citizens.
- **Trade agreements:** there are opportunities for incorporating digital consumer rights into trade agreements than has been done so far.<sup>116</sup>

Future areas for collaboration were:

- **Algorithms:** algorithms used to make decisions can limit choices offered to consumers and can lead to price differentiation. Use of algorithms in public sectors such as education, justice and health, could lead to consumers being refused access to essential services such as health insurance on the basis of their online habits.

**“Algorithms making decisions is definitely not on the authorities’ radar and even if it is covered by digital rights, it still won’t be strong enough protection”**

**Maria Paz Canales, Derechos Digitales**

- **Internet of Things and cybersecurity:** there are many aspects of protection, autonomy, security etc. at stake in the consumer applications of the internet of things . These cannot be isolated as separate consumer or citizen or public or private issues. There is a risk that fears over security will lead to the securitisation of internet and digital policies which could have the effect of moving important conversations to “closed off” areas and excluding any civil society involvement.<sup>117</sup>

In general, they saw the following as key to making joint work effective:

- **Looking through different lenses:** and connecting research and advocacy is crucial to solving issues. In the case of net neutrality, the framing and the lens of economic development was crucial in terms of getting people to understand how consumers were affected.<sup>118</sup>
- **Making best use of tools:** using existing tools such as open data on government spending and practice, or on company performance will help improve all agents understanding of complex topics.
- **Evidence:** find better ways to find evidence on which to publicise issues to people. One commentator suggests getting local researchers to gather evidence as a first step to raising awareness among organisations and then consumers themselves.<sup>119</sup>
- **Trusted collaboration:** reaching out to other stakeholders and building trust by making arguments supported by empirical data. Working together to identify the most effective locus for change be that policy, regulation, business. Working with stakeholders often requires a long-term engagement as opposed to ad hoc campaigns on national policy to yield the best results.<sup>120</sup>

116 Interview with Maria Paz Canales, Derechos Digitales

117 Consumers International, ‘Connection and Protection in the digital age’, April 2016. See: <http://www.consumersinternational.org/news-resources/publications/page/1>

118 Interview with Arnau Izaguerri, UNCTAD

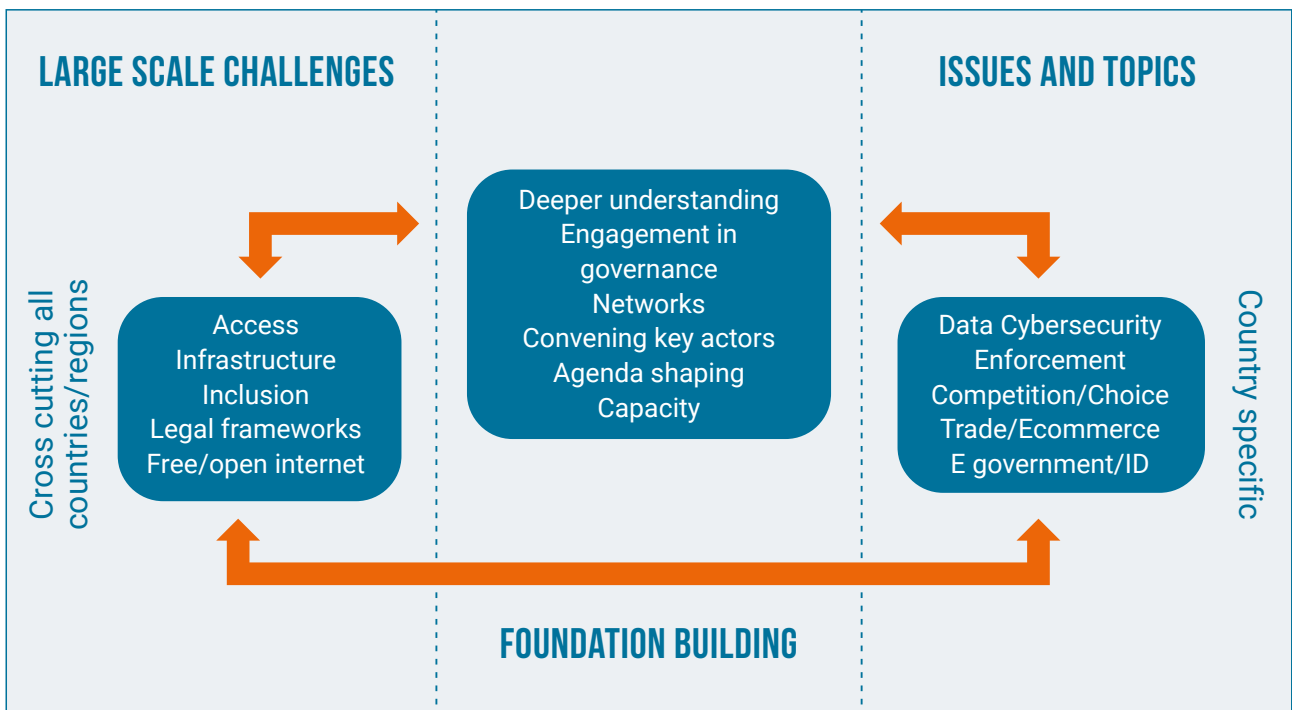
119 Interview with Craig Fagan, The World Wide Web Foundation

120 Interview with Pierre El Khoury Professor at La Sagesse University, Beirut

## 6.7 AREAS AND TOPICS FOR COLLABORATION

The diagram below shows how we have defined the connections between the potential opportunities to work together, divided into Issues and topics – where advocacy groups in a country may be driven by a particular issue such as the introduction of a digital ID scheme, or larger regional schemes to improve access. The diagram shows how these different starting points might sit together. In the centre are the types of ‘foundation building’ activities that are necessary to creating the conditions for consumer rights organisations and digital rights organisations to work together.

**Figure 9 Connecting voices: approaches to change**



### 6.7.1 FOUNDATION BUILDING

The activities described as foundation building will enable work on both the large scale challenges and issues and topics. The foundation building activities are actions that could be built up quickly and will provide a solid base for taking up other opportunities identified in this report. This foundation can be built through agenda shaping, deeper understanding of different perspectives, bringing together key actors and building networks. Although not as pronounced in higher income countries, there will be common ground around the large scale challenges, meaning that international internet policy bodies will be giving them attention.

### 6.7.2 LARGE SCALE CHALLENGES

The research shows the primary focus areas for developing countries are access, affordability, inclusion, appropriate legal frameworks and a free and open internet. We refer to these as the large scale challenges because they cut across national borders and are subject to various local political cultural and economic conditions. We heard from consumer rights and digital rights groups that there would be much value in co-ordinating more around these areas.

### 6.7.3 ACCESS

There are clearly many synergies between consumer and digital rights groups on the issue of access and inclusion. For digital rights groups, it is the gateway to the benefits that digital technology can deliver; for consumer rights groups, access to the internet is increasingly seen as integral to “the right to satisfaction of basic needs”, the first consumer right. The addition of a consumer voice to digital rights campaigns or greater co-ordination between consumer groups and digital rights groups could significantly strengthen advocacy in this area. A crucial part of this will be identifying the aspect that can be tackled from a consumer angle, and ensuring it links to the citizen issue. For example, low quality digital services could be linked to disempowerment, or the lack of relevant content could be linked to the marginalisation of minorities.

### 6.7.4 AFFORDABILITY, INFRASTRUCTURE AND INVESTMENT

Understanding and advocating for investment in infrastructure that is fair, sustainable and equitable requires both technical knowledge and experience of public service contracts and concessions. Consumer groups in some regions have considerable experience of analysing and campaigning on public services such as water, energy or telecoms that could be used to understand and evaluate investment in internet connections. Experience in international standards development could also be very influential here in places where legislation is weak. Issues of price and affordability are core consumer issues and, not surprisingly, consumer groups in most regions have been active on questions of pricing and greater transparency around the services that are offered.

### 6.7.5 INCLUSION

Reaching people who do not currently have access to the internet will become increasingly difficult. Understanding the needs of groups who are excluded because of location, gender or language and advocating for changes in the service will be central to making progress. Consumer groups who start with the needs of consumers are well placed to make this case alongside digital rights groups, but, as we have heard in the interviews, some groups may have to lose their actual or perceived focus on middle class consumers to play a full part in these campaigns.

### 6.7.6 LEGAL FRAMEWORK

There is an opportunity to join together consumer and citizen aspects of internet rights and regulation in one place, and for developing countries to shape frameworks that suit their circumstances. Developing national capacity will also help in creating leaders who can take part in international processes.

### 6.7.7 FREE AND OPEN INTERNET

Consumer groups could join digital rights groups in advocating for exemptions that would allow for some services to be maintained, such as emergency services. They could also campaign for those affected to receive compensation for loss of time, and engage with service providers to minimise impact.

In addition, recent events have shown that investment in infrastructure can also challenge fundamental digital rights such as access to open networks (i.e. net neutrality). The proposal from Facebook to increase access in India but only to a limited service was one such high profile case.

## 6.7.8 ISSUES AND TOPICS

These are issues that are more likely to be of immediate importance at the national level, although of course their implications cut across borders. Taking these issues in the context of the large scale challenges will enable a more strategic approach and a more effective way to build capacity and networks.

- Data Protection and Cybersecurity
- E-Government/Digital National ID
- Competition and Choice
- Trade/Ecommerce



# 7. THE WAY FORWARD: RECOMMENDATIONS FOR INTERNATIONAL ORGANISATIONS

In order for digital empowerment initiatives to succeed, consumer rights and digital rights organisations working at the national and regional levels need the support of influential global stakeholders such as funders and international agencies. Our research indicates that those looking to support long-term, systemic change in digital consumer protection and empowerment would be best placed to:

## 7.1 SUPPORT NEW PARTNERSHIPS

Throughout this report, we have identified areas for collaboration between digital rights and consumer rights groups. These hitherto disparate groups could work together to expand knowledge, capacity and relationships by making the most of existing networks and activities in a country, such as internet governance forums or academic coalitions.

### **Recommendations:**

- Funders and international agencies could support this peer to peer learning approach financially and by using their connections in each country to broker partnerships between these groups.

## 7.2 SUPPORT LOCALLY RELEVANT RESEARCH

A constant challenge in relation to understanding digital and consumer issues in the digital economy is the lack of research about this topic. Beyond questions of access and inclusion, it is striking that there are no established metrics for measuring consumer trust in the digital economy, an issue that was raised in the G20 digital ministers meeting in 2017. Although there is an increasing number of international surveys, the generic nature of the questions limits our insight into the experience of consumers across different cultures and contexts. While qualitative research has been carried out to some degree, this is limited to consumers in high-income countries.

### **Recommendations:**

- Funders could support locally relevant research to increase contextually specific consumer perspective on digital issues. This would help define priorities for advocacy work and reveal opportunities for new products or services that meet consumers' needs.
- International agencies and organisations such as the G20, OECD, UNCTAD and the World Bank could develop indicators to better understand consumer experiences in the digital age including issues of trust. They could also commission regional research to test and integrate indicators of consumer trust in existing international research into the digital economy and society.



## 7.3 INVEST IN BUILDING CAPACITY AND LEADERSHIP

This study has shown that digital rights groups are keen to see a stronger consumer voice in policy making processes and feel this would add weight to many of the issues they are advocating for.

However, there is a lack of capacity to engage in decision making on digital policy both in advocacy groups and at all levels of government. Limited resources are still powerful constraints on the capacity of smaller countries to engage effectively with more powerful governments and businesses. The need to focus on short-term gains to fulfil funding requirements can also hinder many organisations' ability to effect long-term, systemic change.

### Recommendations

- Funders could help grantees become operationally and financially sustainable by funding longer-term commitments that cover core costs rather than direct costs relating to specific projects and campaigns.
- Funders and international agencies could support the training of government and civil society leaders in public interest and consumer issues. This could be modelled on leadership academies such as Oxford Internet Institute's Internet Leadership Academy, which takes upcoming leaders from civil service and governments across the world and builds their capacity in digital policy making.
- International agencies would be well placed to develop programmes that build the digital capacity of governments and civil society in low and middle-income countries (similar to the UNCTAD regional programmes on consumer protection in Latin America and Middle East and North Africa). Whenever possible civil society participation should be included in the activities and budget planning to ensure a broad base of expertise and engagement. This will help develop a 'whole of government' approach to policy making that includes key stakeholders including civil society from the start.
- Both funders and international agencies could support the development of outreach programmes that identify participants from low income country governments and civil society. This will help increase their voice in international fora, build advocacy experience and enable greater cooperation between countries. The outreach programmes could also include a travel and participation fund to enable governments from low income countries and civil society groups to participate in relevant international meetings.

## 7.4 CONVENE KEY ACTORS

Section five showed where internet policy is made and where civil society has influence. However, as highlighted, creating effective policy for digital economy and society has a number of challenges. The speed and scale of developments means that regulation is not keeping up (for example peer to peer markets have grown rapidly in many countries and challenge traditional concepts of liability and IP). Furthermore the international nature of digital services means that national regulation is often ineffective as the provider may be based in another jurisdiction. Alongside this, globalisation has also meant that no single actor working alone can meet the challenges facing consumers.

Therefore, influencing strategies need to engage with a much broader network of stakeholders, including civil society, governments and business, to fully understand the challenges and opportunities and to develop effective solutions.



## Recommendations

- Funders and international agencies can use their networks to convene key actors in the digital economy. This will include; businesses, civil society, regulators, governments and academic institutions.
- Funders and international agencies could encourage staff to participate fully in the external processes that bring different stakeholders together to understand digital developments and find solutions to opportunities and challenges.
- Funders and international agencies could support convening programmes or events that address specific opportunities or challenges in the digital economy and society.

## 7.5 CHANGE THE ARC OF THE CONVERSATION

There is an opportunity to get ahead in decision making by making a strong case for the consumer-citizen interest approach on emerging issues such as the Internet of Things, algorithms, virtual reality, augmented reality and increasing automation. New conversations can be shaped by influencing the terms of debate, for example challenging the divides between consumer regulation and public interests, and more strongly advocating for an ethical framework for technology.

## Recommendations

- Funders could add value to their grant-making by using their position of influence to change the arc of the conversation concerning digital consumer empowerment and protection, by funding new research, and bringing new and challenging voices into conversations.
- International agencies can help create platforms for stakeholders who will challenge the status quo and promote approaches that increase consumer and citizen engagement in digital developments. This will also serve to provide an assessment of the impacts that digital technology offers.

# APPENDIX 1

## THE ROLE OF CONSUMER PROTECTION IN MEETING THE SUSTAINABLE DEVELOPMENT GOALS

September 2015

*Consumer protection is an important means through which countries can support the implementation of many, if not all, of the Sustainable Development Goals.*

*People's ability to consume, the consumption choices they have available and whether they are treated fairly as consumers, fundamentally affects the quality of their lives and the lives of those around them.*

### Introduction

Consumers International is the world federation of consumer groups that, working together with its members, serves as the only independent and authoritative global voice for consumers. With over 250 member organisations in 120 countries, we are building a powerful international movement to help protect and empower consumers everywhere.

The Sustainable Development Goals (SDGs) create the opportunity for the international community to communicate sustainable development and drive action towards shared objectives, for people and planet. However, Consumers International is concerned that the SDGs take a very narrow approach to consumer protection, a tool which can support the delivery of many goals and targets.

The World Bank shows that, as a global average, household consumption represents 60% of GDP.<sup>1</sup> This highlights the influence which consumers have on the economy, nationally and globally. But this influence, and the positive impact which it can have for sustainability, is still under-represented in the SDGs.

### Consumers International considers it essential to include the following indicator in the SDG framework:

- Number of countries implementing the UN Guidelines for Consumer Protection

The indicator could sit under Goal 12, "Ensure sustainable consumption and production patterns", as UNEP has also proposed;<sup>2</sup> or Goal 17, "Strengthen the means of implementation and revitalize the global partnership for sustainable development".<sup>3</sup>

The UN Guidelines for Consumer Protection (UNGCP) were adopted by the UN General Assembly in 1985 and have supported the development of consumer protection around the world. In 1999 a section was added on sustainable consumption. The Guidelines are currently being strengthened and updated to make them relevant to the challenges facing consumers in today's world. The new version will also be adopted in September 2015.

1 World Bank, 2010-2014 figures, Household final consumption expenditure, etc. (% of GDP), available at <http://data.worldbank.org/indicator/NE.CON.PETC.ZS>

2 Under SDG target 12.8, ('By 2030, ensure that people everywhere have the relevant information and awareness for sustainable development and lifestyles in harmony with nature'). See <http://www.scpclearinghouse.org/d/the-clearinghouse/94-scp-indicators-for-the-future-sdgs-discussion-paper.html>

3 Suggested best fit SDG target 17.14 ('Enhance policy coherence for sustainable development')

## Consumer protection and the 2030 Agenda for Sustainable Development

How consumer protection contributes to sustainable development

Consumer protection and empowerment is an effective means to support the achievement of many of the SDGs. The following section demonstrates how implementation of the UN Guidelines for Consumer Protection will help to deliver the 17 Goals.

### Goal 1: Poverty eradication

- Although poverty is most commonly understood as a lack of income, it has a number of dimensions including lack of access to basic goods and services and lack of power. These dimensions interact with each other to keep people poor.
- Giving low income consumers' access to affordable goods and services, giving them a stronger voice in the market and protecting them from unsafe and unfair practices has a direct impact on their ability to consume good quality products and services at fair prices.
- Consumer protection extends protections to the whole population and therefore benefits poor people who may not have been able to assert their own rights. The UNGCP also states that 'special care should be taken to ensure that measures for consumer protection are implemented for the benefit of all sectors of the population, particularly the rural population' and 'policies for promoting sustainable consumption should take into account the goals of eradicating poverty.'

### Goal 2: Food security and nutrition

- Access to good quality food is a fundamental consumer issue. Ensuring that nutritious food is available, affordable and accessible is a basic need for all people. Food security is also often linked to safety as diseases often impact on both production and consumer health.
- Consumer programmes promote availability of food, food safety and nutrition. Action can be taken through legislation, the development of systems and consumer awareness.
- The UNGCP calls on governments to recognise the need of all consumers for food security, and calls on them to develop policies and plans and support international standards for food safety. Cross cutting recommendations on safety and quality, distribution and consumer education and information support governments' responsibilities in this area and consumers' ability to influence the market.

### Goal 3: Health and well-being

- Issues of safety and the prevention of injury, pharmaceuticals and health care are core consumer concerns. A consumer approach to pharmaceuticals has promoted availability and appropriate use.
- Consumer protection is also central to the prevention of diseases linked to smoking, poor diets and excess alcohol consumption. These diseases now claim more lives than infectious diseases, with rates rising fastest in developing countries.
- The UNGCP calls on governments to develop and adopt safety standards and systems to protect physical safety. The section on pharmaceuticals requires governments to take action to ensure their quality and appropriate use.

### Goal 4: Education

- Consumer education should be an important part of the education and lifelong learning that all people receive. By giving consumers the skills and knowledge they require to be active participants in the market place it can also play an important role in challenging the marginalisation of poor people.
- Consumer education campaigns have been critical to promoting healthy products and consumption practices that helped fight HIV/AIDS, reduced malaria transmission, and promoted breastfeeding over infant formula. It has also been a key to building markets for fair trade products, and the cap and trade system for greenhouse gas emissions.

- Section F of the UNGCP calls on governments to develop or encourage the development of general consumer education and information campaigns. In developing these programmes special attention should be given to the needs of disadvantaged consumers, in both rural and urban areas including low income consumers and those with low or non-existent literacy levels.

### **Goal 5: Gender equality and women's empowerment**

- Persistent failure to remedy the gulf between the life experience and expectations of men and women is among the greatest of the Millennium Development Goals' (MDGs) shortfalls. Available data on education, health and economic status of women—particularly in the developing world—shows how far there is to go.
- As the primary shoppers in most cultures, women have a particular role as consumers. It is through this unique position that consumer policy has been successful in enhancing the status of women and helping to realise development goals in many cultures.
- The UNGCP seek to redress the imbalance that often exists between consumers and producers. Where women are responsible for purchases, often on behalf of the household, this improves their access and power in the market place. The UNGCP also directs governments to pay particular attention to vulnerable consumers who in many cases are more likely to be women.

### **Goal 6: Water and sanitation**

- Despite strong calls for action and considerable efforts at local, national and international levels, the world is still off track with respect to the MDGs' water and sanitation targets, particularly for sanitation.
- Poor people often rely on unsafe water or pay more for their supply of water. As water is essential to life, even the poorest will spend money to obtain it if they do not have a supply system nearby.
- The UNGCP calls for governments to formulate, maintain or strengthen national policies to support the supply, distribution and quality of water for drinking. Due regard should be paid to the choice of appropriate levels of service, quality and technology and the need for education.

### **Goal 7: Energy**

- Energy constitutes a worldwide challenge both in terms of the management of available resources and the provision of access to sustainable energy.
- As with water, poor people tend to pay more for energy and are more likely to degrade the environment and endanger their health as they rely on traditional, local resources. For this reason CI has often called for subsidies to be switched to connection rather than use.
- The UNGCP gives governments guidance to support the efficient use of energy through the design of products and services as well as education campaigns.

### **Goal 8: Inclusive and sustainable economic growth, employment and decent work**

- Consumer protection directly supports the demand side of the economy and is fundamental to achieving efficient and equitable economic growth. The relationship between consumption and production is central to any economy and the strongest economies ensure that production meets the needs of consumers. The ability of consumers to exercise informed choice, reward good suppliers and seek redress when standards have not been met drives a more responsive and efficient economy.
- Action and mechanisms to address unfair market practices, misleading advertising and to inform consumers are a central and necessary part of economic systems. There are many examples of where consumers have taken action to support decent working conditions, and strong consumer protection can encourage the creation of employment and decent work indirectly through support for sustainable economic growth and improved consumer awareness.
- The promotion and protection of consumers' economic interests is a major section in the UNGCP. It calls for governments to take action to ensure consumers realise optimum benefit from their resources, through support and promotion of distribution methods, fair business practices, informative marketing and effective protection.

### **Goal 9: Infrastructure and sustainable industrialization**

- Infrastructure supports the accessibility, affordability and availability of goods and services and is therefore an important issue for many consumers. Decisions about infrastructure can also affect the structure of the market and outcomes for consumers. Consumer organisations can play an important part in providing these distribution channels, for example through the formation of consumer co-operatives.
- Industrialisation can only be inclusive and sustainable if the rights and empowerment of consumers are taken into account in national and regional decisions.
- Infrastructure is an important theme of the UNGCP. It refers specifically to distribution facilities, storage and retail – of which infrastructure plays an important part. Particular attention should be paid to rural areas and other areas where services are limited.

### **Goal 10: Reducing inequality**

- The UNGCP states in its opening paragraph that one of its objectives is to promote “just, equitable and sustainable economic and social development.” Taking into account “the interests and needs of consumers in all countries, particularly those in developing countries” and recognising “that consumers often face imbalances in economic terms, educational levels and bargaining power.”
- To this end the UNGCP supports the development of legislation, regulation, standards and policies that protect all consumers regardless of income and power. It also promotes policies to meet the particular needs of vulnerable or excluded consumers.

### **Goal 11: Sustainable cities and settlements**

- The growth of cities creates particular challenges for consumers, from congestion and air pollution to housing and services. The ability to organise consumers and meet their needs also creates opportunities.
- In the revision of the UNGCP this year, CI is calling for greater recognition that vulnerable consumers can increasingly be found in all contexts, not just rural areas as was the assumption in the past.

### **Goal 12: Sustainable consumption and production**

- There is widespread consensus that changes in consumption and production patterns are urgently needed. Alongside government and industry, consumers will obviously be a fundamental force in this change. Initiatives to mobilise consumers behind sustainable consumption have multiplied over the past few years.
- Ensuring consumers are supported, informed and educated to consume sustainably is central to achieving the SDGs. Consumers need to understand how their consumption choices, use and disposal of products and services can reduce environmental impact and contribute to sustainability and trust that the information they are given is reliable and accurate. CI, as co-lead of the 10YFP Consumer Information Programme, fully supports the SDG target to implement the 10YFP.
- The UNGCP contains a dedicated section and further provisions for governments, business, consumer and environmental organisations, and other concerned groups to promote and address sustainable consumption. Action to this end will, in turn, have a positive impact on the achievement of **Goals 13, 14 and 15 relating to climate change, marine conservation and terrestrial biodiversity.**

### **Goal 16: Peaceful and non-violent societies, capable institutions**

- The ability of a society to meet consumers’ needs fairly and equitably helps to create the conditions for a peaceful and non-violent society. Unfortunately there are many examples of shortages and market injustices that have led to discord and violence.
- Consumer participation in governance balances producers’ input into public policy and administration with that of consumers and helps to ensure that consumers’ needs are understood and met. Effective consumer input helps to ensure that policy, law and administration is carried out in the interests of all

in the country, rather than privileged groups.

- The UNGCP calls for governments to ensure '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'.

### **Goal 17: Means of implementation and global partnership for sustainable development**

- Consumer protection is a cross cutting issue that supports the implementation of many of the proposed Goals. It addresses needs from a consumer perspective which, in many cases, will be essential to effective implementation. In relation to developing just and equitable economies and societies it gives the largest economic group a voice that is often not heard.
- The UNGCP were adopted in 1985, amended in 1999 and are undergoing a revision with the aim of tabling a resolution in September 2015. They represent both international consensus and a tried and tested structure, which governments can follow to ensure that the consumer needs and perspectives on each of the SDGs is adequately addressed.
- Encouragingly, the current draft UNGCP text includes reference to the role of consumer protection in supporting the implementation of the SDGs. Mutual reference to the UNGCP in the SDG indicator framework would support both agendas.

# APPENDIX 2

## BUILDING A DIGITAL WORLD CONSUMERS CAN TRUST

### Proposed recommendations from the consumer movement to the G20 member states

Consumers International and Verbraucherzentrale Bundesverband on behalf of the worldwide consumer movement call on the G20 to recognise the importance of consumer trust and empowerment in realising the benefits of the digital economy. They request that the OECD be appointed to develop a toolbox of policies, actions and measurement criteria jointly with Consumers International and key stakeholder groups to support consumers in the areas set out in this document and report back to G20 ministers in 2018.

Consumer confidence and trust are central to the success of the digital economy. The rapid development of digital technology has delivered social and economic benefits for millions of consumers around the world. It has connected people within and between countries, enabled people to easily access information and services and created choice and convenience in ways that could not be imagined a generation ago.

However the continued success of the digital economy will only be possible if further developments are not just available to all but trusted enough to be integrated into people's everyday lives. The responsibility for ensuring that consumers' rights are protected online, and autonomy and personal freedom are upheld, cannot be managed by one country alone; it requires collaboration across governments, international organisations and businesses.

## 1 REGULATORY FRAMEWORK

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Digital consumer protection and empowerment should be an integral part of the regulatory framework to effectively address the complexity of digital markets and the experience of consumers online. Regulation should be proportionate to the characteristics, type and variety of digital services and products and consumers' rights and responsibilities.

The consumer protection framework should meet requirements as set out in international guidelines, recommendations and regulations such as the UN Guidelines on Consumer Protection, and provide consumers with an equal level of protection whether their activities are carried out online or offline and regardless of location. It should address new challenges arising from consumer use of digital technology such as security, liability, complex terms, incompatibility and affordability. Interventions should be evidence-based and outcome-focused, and recognise where non-regulatory solutions may have more impact on consumer outcomes.

Countries should agree to progress towards the development of open and complementary standards. A sound measurement of how the digital economy affects consumer trust and confidence is essential. Strong, effective, proportionate and easily accessible legal and judicial or supervisory mechanisms should exist to protect consumers from fraud and unfair treatment online and to provide sanction against abuse, technical failures and errors.



## 2 RESPONSIBLE BUSINESS CONDUCT AND THE ROLE OF OVERSIGHT BODIES

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Treating consumers fairly should be an integral part of the objectives, good governance and corporate culture of all digital providers, and they should be held responsible for upholding digital consumer protection. Companies should adhere to the best practice guidelines of the United Nations Guidelines for Consumer Protection which state that all consumers of digital products and services should be treated equitably, honestly and fairly at all stages of their relationship with product and service providers. Any practices that increase the risk of harm to consumers should be avoided, with special attention given to the needs of disadvantaged groups or consumers in situations of vulnerability.

Countries should have oversight bodies with responsibility for all aspects of digital consumer protection. Such bodies must have the necessary authority and independence to fulfill their mandates and the technical resources and capabilities to effectively understand developments in the sector. Given the central importance of data within the digital economy, independent data protection agencies which can fulfil their mandate to protect consumers' data are essential.

## 3 ACCESS AND INCLUSION

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Consumers should have access to an affordable, consistent, good quality internet connection in order to enable them to take up the opportunities of the digital economy. A concerted, co-ordinated effort by governments, regulators and business must be made to ensure that the remaining offline population is connected to an open internet through affordable high quality connectivity. Access services should respect the principle of net neutrality.

Particular attention should be given to ensuring access for marginalized or disadvantaged groups of consumers and those in remote or expensive to connect geographical areas, and access measures should reflect low income groups and demographic equality. Countries should address all drivers of affordability such as device costs and the application of unfair data caps that can keep the price of connectivity artificially high.

# 4 DISCLOSURE AND TRANSPARENCY

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Clear information about digital products, providers, processes and consumer rights should be of practical use to consumers. It should be easy to access in order to enable consumers to understand the implications of their activities online, and facilitate confident, informed decision-making.

Information should be designed to enable the average consumer to quickly understand and acknowledge critical information sufficiently prior to the point of purchase. Critical information can be best delivered through: notification of anything that may be beyond consumers' reasonable expectations, clear and user friendly presentation, ability to easily compare pricing and functionality, summary of key terms, minimizing the length of disclosure statements and simplifying language. Provision should keep pace with best practice in effective communications in digital environments. Verifying the accuracy and credibility of information online should be the responsibility of the provider and meet international standards. Regulatory instruments should ensure that the digitalisation of services results in consumers being better informed and does not create unnecessary market barriers, complexity and confusion.

# 5 FAIR USE AND CLEAR OWNERSHIP

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Digital technology has changed the nature of many services and products because connected software is now contained in an increasing number of general consumer products. Key parts of what makes these products function are now licensed to consumers and covered by terms and conditions, meaning providers have greater control of product functionality. These new developments must respect consumers' rights and be clearly communicated to consumers so that they can make informed decisions regarding the purchase and use of connected products. It should be clear which entity is responsible for performance and security at each point of product delivery and during the full lifespan of the product. Regulators should consider frameworks to address potential new detriments.

Consumers need guarantees of their right to fair use. Controls that producers can exercise over the use of a product and its related data should be legitimate, fair and proportionate. Companies should follow due process in exercising sanctions.

# 6 DIGITAL EDUCATION AND AWARENESS

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Education and awareness provision should complement rather than replace regulatory and legislative protection. Activity should be delivered through the most effective channel, and be highly targeted and evaluated to ensure it addresses specific consumer needs and the needs of disadvantaged or marginalized groups.

Digital education and awareness should support consumers to develop the skills and confidence to be able to manage risks and opportunities, make informed choices, know how to get assistance and advice and take action to protect and improve their well-being and identity online.

Companies should develop systems to make it easier for consumers to understand risks and opportunities about their products and services online.

# 7 SECURITY AND SAFETY

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Safe and secure digital environments where all consumers can participate in a range of activities are essential for building trust. Digital security and safety measures are needed to protect consumers' payment details, financial assets and personal identity against fraud or misuse, address defective products and protect the personal safety of consumers. International standards should be developed to ensure companies provide essential security updates for all digital products for a specified and reasonable period after sale. Clear rules of liability should ensure that consumers are fully compensated in case they are harmed as a result of safety and security problems.

Governments should regulate to ensure that financial data, personal data and any personally identifiable information be stored and transmitted to the highest reasonable standards of security based on the risk to consumers. To improve data protection, companies should be incentivised to adopt best practice standards such as privacy and security by design, and independent assessment of data security through timely breach notification, sanctions, and limitations to liability for consumers and compensation requirements. Regulators should co-ordinate approaches to raising awareness about online security. Companies should develop systems that make it easier for consumers to adopt safe and secure practices.

# 8 DATA PROTECTION AND PRIVACY ONLINE

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Data flows are central to the digital economy. Consumers should be able to exert control over their personal data and privacy preferences so that they can benefit from opportunities within a trusted and safe system. Regulators should take into account the impact multiple products, services and organisations aggregating data on individuals and their rights as a consumer and citizen. Companies and regulators should regularly review and re-evaluate the scope of personal data collection, and whether it is proportionate to service delivery. Aspects of privacy that are important to consumers should be considered in the design stage of digital products.

Consumers' privacy and data protection rights must be properly protected and upheld in order to address consumer concerns and the harms that arise such as discriminatory practices, invasive marketing, loss of privacy and exposure to security risks. Consumers should be made aware of the implications of how their data could be used in the digital economy and given simple and effective ways to assert control or mitigate risks. Companies should provide simple, secure ways for consumers to access and control their data and benefit from opportunities of sharing their data, in line with their preferences, expectations and legal rights.

It should be clear to consumers what data will be collected and for which purpose it will be used throughout the duration of the product or service relationship. It should be clear how algorithms that affect the quality, price or allow access to a service make decisions about them. Regulators should ensure the use of algorithms is lawful and does not discriminate by making detrimental decisions based on sensitive information such as race, gender or religion and consider appropriate frameworks to address problems should they arise, which could include rights to challenge automated decisions.

National data protection policies should be in place. Data protection laws should be fully enforced, and strengthened if necessary where consumer detriment is identified. In the event of breaches of security consumers should have easy access to redress. International policy on cross border data flows should be co-ordinated so that countries involved have in place high standards of protection in both substantive and procedural national laws.

# 9 COMPLAINTS HANDLING AND REDRESS

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Rights to redress in the online world should not be less than those available for other forms of commerce. Companies offering online transactions should have strong internal dispute mechanisms that do not impose unreasonable cost, delays or burdens on consumers. Recourse to independent redress should be available to address complaints that are not satisfactorily resolved by internal mechanisms. Redress mechanisms should incorporate new consumer issues arising from digital products and services, such as cross sectoral or cross border transactions, loss of service, failure of essential updates or other inconvenience or distress caused by product failure.

Where complaints or problems involve multiple providers and/or sectors, it must be clear where a consumer should go for assistance. Regulators should work across jurisdictions to support cross border dispute resolution.

Complaints handling and redress mechanisms should be accessible, affordable, independent, fair, accountable, timely and efficient. Aggregate information with respect to complaints and their resolutions should be made public. With regard to the large numbers of consumers that may be impacted, appropriate mechanisms to solve mass claims situations should exist. Online dispute resolutions should be provided but not to the exclusion of other avenues.

## 10 COMPETITION AND CHOICE

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Nationally and internationally competitive markets should be promoted in order to provide consumers with a meaningful choice of digital providers, products and services and support the delivery of better prices, enhanced innovation and high service quality. Ex-ante measures should be put in place to allow market entry for alternative providers without lowering consumer protections.

Countries should consider the nature of competition and potential for detriment in the digital age, particularly those characteristics which impact on consumer choice and protection such as: the essential nature of being online and dependence on a small number of large companies; the disproportionate influence that holding large quantities of consumer data gives some providers; the network effect of digital services which can have the effect of locking in consumers to particular providers or limiting their ability to switch. To enhance consumers' ability to easily compare and switch providers, interoperable and compatible device and software standards and rights to access and transfer data between services should be prioritised and research supported to establish best practice in this area globally.

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Consumers International and Verbraucherzentrale Bundesverband call on all governments, international organisations, businesses, consumer organisations and consumers worldwide to support these recommendations for the OECD to work with Consumers International and key stakeholders in developing the toolbox to help build a digital world consumers can trust.

# APPENDIX 3

## LIST OF INTERVIEWEES AND CONSULTEES

Name	Organisation
Sunil Abraham	Centre for Internet Society
Renata Avila	Consultant
Craig Fagan	World Wide Web Foundation
Alexandra Gaspari	ITU
Arnau Izaguerri	UNCTAD
Leah Kaspar	Global Digital Partners
Pierre Al Khoury	Berti Law Firm and Professor at La Sagesse University, Beirut
Lilian Nalwoga	CIPESA
Victoria Nash	Oxford Internet Institute
Maria Paz Canales	Derechos Digitales
Xaverine Ndikumagenge	Consumers International Regional Coordinator for Africa
Antonino Serra	Consumers International Global Advocacy Manager
Gbenga Sesan	Paradigm Initiative Nigeria
Satya Sharma	Consumers International Regional Coordinator for Asia Pacific
Robin Simpson	Consumer Representative at ISO, UN OECD

# APPENDIX 4

## POLITICAL OPPORTUNITIES

### National initiatives

#### ARGENTINA

- In May 2016 the “Federal Internet Plan,” promised to bring quality broadband to 29 million people within the space of two years.
- In February 2016 the National Modernization Ministry announced an agreement with mobile phone companies operating in the country to swap 2G mobile technology for devices with 4G

### Strategic

- Engage in the potential reform of data protection law, which currently has a good reputation (globally)
- Research potential for improving consumers’ security (and their perception of their security) online; with the potential to embed actions alongside infrastructure improvements.

### Digital rights group work:

- Nodo Tau received funding from APC in 2016 to educate community groups about digital rights, and to prepare them for engagement in public policy development <sup>1</sup>. A useful next step could be to seek lessons from that project (for application in other countries), and to understand whether there is more work that requires funding.

#### BRAZIL

### Existing:

- A Special Taxation Regime (REPNBL) has sought to encourage investment in existing telecommunications networks.
- A number of internet expansion and improvement programs since 2010, including the National Broadband Plan (Plano Nacional de Banda Larga or PNBL)
- If not already enacted, there is the potential to influence the bill for data protection, namely No. 5.276/2016, reported to be under analysis before Congress <sup>2</sup>.

### Strategic - potential for advocacy:

- If not already enacted, there is the potential to influence the bill for data protection, namely No. 5.276/2016, reported to be under analysis before Congress <sup>3</sup>.
- Development of a service to reduce the hassle for consumers in the event of cybercrime.
- Idec reports consumers have little information to compare prices and services among ISPs, despite legal requirements for ISPs to provide this information. Is there the potential for the development of a consumer-facing comparison site?

#### COSTA RICA

- The main obstacle for access is infrastructural and is not known if there is a government strategy to address this.

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1 <https://www.apc.org/en/node/22007#4>

2 [www.dlapiperdataprotection.com](http://www.dlapiperdataprotection.com)

3 [www.dlapiperdataprotection.com](http://www.dlapiperdataprotection.com)



## PERU

### Existing:

- The National Broadband Plan, budgeted at \$333m, aims to connect 80% of Peru's territory by deploying 13,500 km of fibre optics to link 180 provincial capitals.

### Strategic

- There may be the opportunity to influence the proposed new vice-Ministry for ICT, that ASPEC is keen to see deliver technology benefits to remoter parts of the country.

## MEXICO

### Strategic

- Example of success - Advocate for Regulatory reforms: Recent legislative reforms in Mexico aim to promote healthy market competition and encourage competition in the country's telecommunications sector. Under constitutional reforms to the telecommunications sector signed in 2013, companies are prohibited from controlling more than 50 percent of the market share. The 2014 Federal Telecommunications and Broadcasting Law<sup>4</sup>
  - o reduces market restrictions that might impede efficient sector functioning
  - o allows the regulator (IFETEL) to take measures to reduce a company's market dominance in the mobile and fixed-line markets
  - o requires the implementation of public consultations and other regulatory mechanisms to improve transparency,
  - o establishes technology neutrality as a foundation for spectrum allocation and the provision of telecommunication network and interconnection services.
  - o lays out a unified licensing regime for the provision of public telecommunications and broadcasting services, and
  - o Established a new autonomous regulator (the Federal Telecommunications Institute or IFT <sup>5</sup>).
- Since the implementation of the new law, market concentration in Mexico has reduced, new operators have entered the market and mobile prices have dropped to around 17%. Thanks in part to these reforms, Mexico's performance in the Affordability Index has improved and the country's ranking has jumped seven places since last year.<sup>6</sup>

### Strategic:

- Advocating for enforcement of laws Telefonica, the biggest Internet access provider in the country, was fined \$75,000 USD in 2011 for failing to seek authorization from the government before blocking port TCP 25 while trying to mitigate a SPAM incident on its network.

## INDIA

### Strategic:

- Public Private Partnerships - lots of new start ups in mobile etc, not aware of consumer rights and their rights Pelk works with start-ups on legal requirements etc. innovative space large can copy small, small copy large.
- Working with big business: In India group working with Google to deliver capacity building (AP Satya)

4 [http://dof.gob.mx/nota\\_detalle.php?codigo=5352323&fecha=14/07/2014](http://dof.gob.mx/nota_detalle.php?codigo=5352323&fecha=14/07/2014)

5 <http://www.ift.org.mx/>

6 Alliance for Affordable Internet (2017) 2017 Affordability Report, [http://a4ai.org/affordability-report/report/2017/#employing\\_public\\_access\\_solutions\\_to\\_close\\_the\\_digital\\_divide](http://a4ai.org/affordability-report/report/2017/#employing_public_access_solutions_to_close_the_digital_divide)

- Advocacy The Internet Freedom Foundation is in the process of incorporation, building on the success of savetheinternet.in (campaign for net neutrality) and may be of particular interest.
- A Consumer Protection Act was noted in a response to the CI survey as an opportunity to introduce a regulator for e-commerce.
- Large range of civil society groups, many working on digital : Digital Empowerment Foundation (DEF), Internet Freedom Foundation, NLSIU (National Law School of India - NLSIU has initiated the setting up of an exclusive Online Mediation Centre for Consumer Grievance Redressal.

#### **Existing:**

- The Government has announced plans, under 'Digital India'<sup>7</sup> to provide free public WiFi zones, targeting the top 25 cities; to connect India's Gram Panchayats, institutions of self-government for rural areas, via fiber-optic cables, ensuring universal broadband access with accompanying e-literacy programs; to use satellites, balloons, or drones to push faster digital connections to remote parts of the country; to digitize record-keeping; and develop new technologies.
- Indian government has committed about \$4 billion to build a national broadband network to connect 250,000 villages.
- In February 2016, the Telecom Regulatory Authority of India (TRAI) issued binding rules that went into immediate effect that protected strong Net Neutrality and prohibited zero-rating services. The development of these rules included the submission of comments by 2.5 million people organized by savetheinternet.in coalition. India is now a leader in protecting Net Neutrality worldwide.

## **INDONESIA**

#### **Existing:**

- Funding potential: a telecommunication operators universal service obligation of 1.25% of the total gross revenue, village funds from the Ministry for Development of Disadvantaged Regions, and community's self finance.

#### **Strategic:**

- This year saw the World Press Freedom day hosted in Indonesia, where the Jakarta Declaration was launched, this called on governments to support encryption and on all journalists to use encryption to protect their research, their communications, their sources, and themselves.<sup>8</sup>
- Support the delivery of low cost base transceiver stations, or other necessary infrastructure, to remote rural areas.
- A new draft Bill on the Protection of Private Personal Data was planned for 2017 and it would be worth investigating its progress and potential impact for consumers.

## **MALAYSIA**

#### **Existing**

- CyberSAFE<sup>9</sup>, short for Cyber Security Awareness For Everyone, is an initiative from CyberSecurity Malaysia and the Government's Outreach Department to educate the general public on the technological and social issues and risks facing internet users. The problem is the reliance on consumers to engage with the programme, and to put the advice into action, rather than build safety into the internet ecosystem.

<sup>7</sup> [https://en.wikipedia.org/wiki/Digital\\_India](https://en.wikipedia.org/wiki/Digital_India)

<sup>8</sup> <http://en.unesco.org/world-press-freedom-day-2017/jakarta-declaration>

<sup>9</sup> <http://www.cybersafe.my>

*“There are several programmes that have been initiated such as Cybersecurity Malaysia, CyberSAFE programmes. But there is a glaring absence of online protection, especially for children whereby we need to filter the internet for harmful content.”*

**Consumer Association of Penang, Malaysia**

## VENEZUELA

### **Strategic:**

- Working with intermediaries: By forging strategic alliances with NGOs, new digital media have opened up space for discussion in a communication landscape largely dominated by the government. 2015 parliamentary elections (and the use of online media and social networks during campaigns) marked a shift in power in the legislative branch. Winning a super majority in the National Assembly, the opposition alliance announced discussions on reforming the Law of Telecommunications and the Law on Social Responsibility on Radio, Television, and Digital Media (Resorte-ME), which grants the regulatory body the power to rule over the blocking or deletion of content and to sanction service providers. However, the opposition has to contend with the Supreme Court’s power to rule against new legislation.

## PHILIPPINES

### **Existing**

- Juan Konek! Digital Empowerment Program aims to connect 99 percent of the population, with lower-income municipalities given priority, through the installation of 7,000 free Wi-fi hotspots in 43 cities.

### **Strategic**

- IBON is scoping the development of a constituency to assert digital telecoms consumers’ rights.
- An antitrust law has been introduced, but it is not clear it has yet been tested, or whether stakeholders have the means to ensure it is used.

## FIJI

### **Existing:**

- Fiji national action plan 2011-2016 – sought to improve access and affordability, but in 2016 Cyclone Winstone damaged infrastructure.

### **Strategic:**

- Opportunities for various stakeholders to work together to construct weather resilient infrastructure for this region. Need to consider infrastructure sharing, price sharing.
- Resilient infrastructure can be more expensive in the short-term, (eg burying cables) but savings can be made through sharing that infrastructure, and through lower repair bills over the long-term.

## THAILAND

### **Existing**

- In January 2016, the National Broadcasting and Telecommunications Commission (NBTC), Thailand’s telecom regulator, and the Ministry of Information and Communication Technology (MICT) announced their collaboration to provide broadband internet access at a reasonable cost to all 70,000 villages nationwide by the end of 2016. The links will be made via both wireless and fixed-line broadband access points.

## **Strategic**

- Investigate the progress of the draft Personal Information Protection Act.

## **IVORY COAST**

### **Existing**

- The Government Cote d'Ivoire wants to modernize the State management through electronic governance and the introduction of a unique identifier for every citizen. This will also be an opportunity for a further development of e-governance of the State, through an increased availability of online services in all areas (education, health, marital status, agriculture, justice, finance, etc.).
- Ensure consumers are represented in the ARCI regulatory authority.

## **KENYA**

### **Existing**

- The National Optic Fibre Backbone Infrastructure (NOFBI) also aims to expand rural access and enable e-government services.
- KICTAnet - bring up consumer heavy issue, relevant to online rights. But actual consumer groups no contact as of yet – Lilian CIPESA

### **Strategic**

- Global partners (Lea) says there is interest from entrepreneurs and start ups to incorporate digital rights into their business practices.
- Is there potential to incorporate consumer / digital rights into iHub style development/training centres?

## **LEBANON:**

### **Existing:**

- "Digital Telecom Vision 2020" plan to renovate telecommunications infrastructure, which aims to bring fiber-optic connections to nearly 15,000 economic enterprises as well as government institutions. Progress is not visible.

### **Strategic**

- Promises have been made but the benefits have not been delivered. Consumers Lebanon has a focus on competition but it appears that the major obstacles are infrastructure, a high level of political influence on delivery, and a potentially related lack of transparency.

## **NIGERIA:**

### **Existing:**

- Universal Service Provision Fund (USPF): National agency for promotion of access to rural and underserved communities, funded through tax on the profits of telecommunication license holders.

### **Strategic:**

- Access for women is a particular issue. To understand if there is the potential to incorporate this into other activity supporting women's rights in Nigeria, undertake a wider review of activity relating to citizens' (particularly women's) rights, with a focus on literacy, and freedoms of expression and opinion. Further, challenge whether the USPF is meeting the needs of women.
- The Digital Rights and Freedom Bill, drafted by NetRightsNG Coalition, provides for the Net Neutrality principle, and has gained traction, but the position of the Nigerian Communications Commission

remains unclear.

- The framework for data protection appears overly complex, there appears to be a lack of judicial oversight, and it is not clear how consumers would be able to get redress where their privacy is violated.
- "PIN and advocacy: PIN are involved in practical projects when consumers have been abused by government and business. AFME Gbenga)
- Gbenga: Civil society bill draft: Drafted a bill – tired of saying we don't want this, presented to parliament with a sponsor.

## SOUTH AFRICA

### Existing

- South Africa Connect—a new broadband policy that aims to connect the entire country by 2030
- A program providing tablets to schools.
- Government subsidized Wi-Fi projects in low-income communities

### Strategic

- South Africa is currently exploring the implementation of a new comprehensive ICT policy, and there may be an opportunity to influence that.

## TURKEY

**Existing/Strategic:** None identified according to Liz L research.

## UGANDA

### Strategic:

- Space for conversation: African Internet Governance Forum: Lilian: we work on African Internet Governance Forum, can take conversations on digital rights, consumer rights but of course also there are other spaces which are Civil Society led, which try to get govts and SPs to come into forums and listen to issues. Some are at reg, sub-reg or ntl... Forum been hosting for last 4 years (F I F Africa) (AFME, Lil)
- Article 19 (digital rights group) analysed the Draft Data Protection and Privacy Bill (Draft Bill), and found it needs to better harmonize its protections with the fundamental right to freedom of expression and the right to information. It is not known if there is still time to influence the passing of this legislation.

### Existing/Strategic PPP

- New investments in Uganda's ICT infrastructure aim to close the digital divide, with some assistance coming from global technology companies. In December 2015, Google launched its first Wi-Fi network in Kampala as part of "Project link."

## REGIONAL/INTERNATIONAL INITIATIVES

UNCTAD – Spoken to Arnau, who had a focus on Ecommerce and saw ecommerce as a driving factor in ICT development in developing countries.

WCRD – Focus this year will be on ecommerce, there is opportunity to engage consumer groups on issues related to ecommerce.

Argentina G20 Argentina holds G20 presidency next, Consumers International in conversations with them as to how to include digital into the G20 programme. OAS and COMPAL event in September in Argentina#

Funding opportunities: Funding opportunities: Level of funding from donor community is more available for digital issues (AP Satya)

Opportunities in trade: Trade agreements are already done from DR perspective. Not HR but consumer rights could be taken up. (LATAM Maria)

### **Strategic:**

- "Keep it on campaign" Regional civil society advocacy in the face of shutdowns currently exists and is effective. Insert a consumer voice here. "Keep it on campaign" Each time there was a shutdown, made calls from Web Fdn, Access Now to make statements.
- What more can be done by companies to help keep it on, how do you get that understanding between companies and govts – how to protect rights of users, how do you get the conversation going? CS driving to get issue going, with regards to IG framework. Not seen much activity from CR organisations but do include CR aspects." (AFME Lil)

## **INTERNATIONAL/REGIONAL ORGANISATIONS WORKING ON DIGITAL:**

### **All regions:**

- Association for Progressive Communications (APC): A global organisation with eleven Latin American members, APC helps people get access to the internet where there is none or it is unaffordable. They help grassroots groups use the technology to develop their communities and further their rights and they work to make sure that government policies related to information and communication serve the best interests of the general population, especially people living in developing countries.
- ITU and Connect the World initiative: this initiative aims to mobilize human, financial and technical resources for the implementation of the connectivity targets of the World Summit on the Information Society (WSIS) and the Regional Initiatives adopted by Member States at the ITU World Telecommunication Development Conference. ITU and partners are organizing a series of regional Summits to mobilize resources and forge partnerships.
- UNCTAD/WTO Friends of e-commerce development (FEDs) The FEDs are a diverse, non-negotiating, group of WTO Members and UN Member States at different levels of development, with a common understanding and acceptance of the positive impact of e-commerce and its versatility to create sustainable economic opportunities for all. The FEDs came together to build an inclusive and open space for discussion of e-commerce viewed from the development perspective. FEDs view e-commerce as an instrument that brings the digital, development and trade agendas together and as a tool for inclusive and sustainable economic growth. The FEDs membership currently consists of: Argentina, Chile, Colombia, Costa Rica, Kenya, Nigeria, Mexico, Pakistan, Sri Lanka, and Uruguay.

## **AFRICA**

- African Union – Lilian says they could be engaged on Skype. Had to do a lot of pushing to be included but feedback was adopted –Lilian CIPESA
- Africa HR Commission - during first internet shutdowns, a resolution was adopted criticising shutdowns.
- African Development Bank (ADB): ADB see digital financial services as central to improving financial inclusion, and have made it one of the strategic priorities of the Bank over the next 10 years. The Bank's agenda will be supporting national strategies to scale-up DFS markets, influencing policy-makers through increased dialogue, spearheading data collection on DFS market opportunities, and investing in incubators or funds whose focus is on mobile solutions. The Bank will also focus on providing liquidity to mobile banking and mobile service providers, partnering with local providers for financial skills development, and participating in programs promoting digital literacy of poor households.
- Article 19 is a multi-stakeholder platform for civil society groups, private sector, development partners

and media interested and involved in ICT policy and regulation. The network aims to act as a catalyst to reform the ICT sector in support of the national aim of ICT enabled growth and development.

- iHub is an ICT incubator providing a part open community space, a part vector for investors and VCs and part incubator. Currently undertaking research to assess how ICT tools are being used for various aspects of governance in Kenya, Uganda and Tanzania.
- Arid Lands Information Network (Alin) works in Kenya, Tanzania and Uganda to improve access knowledge and empowerment. Its Maarifa Centres have information offices and ICT to deliver information to rural communities.
- Integrating Livelihoods through Communication Information Technology for Africa (ILICIT): Their mission is to enhance livelihoods through the adoption of ICT as an enabler to solving the challenges faced by indigenous communities
- African Network of Civil Society for the Information Society: Their aim is to tackle the challenges faced in realizing an open and inclusive information society in Africa.
- Collaboration on International ICT Policy for East and Southern Africa (CIPESA): CIPESA has positioned itself as the leading centre for research and analysis of information aimed to enable policy makers in the east and southern Africa understand international ICT policy issues.

Their overall goals are to develop the capacity of African stakeholders to contribute effectively to international decision-making on ICT and ICT-related products and services; and to build multi-stakeholder policy-making capacity in African countries. In particular, CIPESA focuses on decision-making that facilitates the use of ICT in support of development and poverty reduction.

## ASIA PACIFIC

- Association of Southeast Asian Nations (ASEAN): In September 2016 ASEAN Leaders adopted the Master Plan on ASEAN Connectivity 2025 (MPAC 2025). The MPAC 2025 focuses on five strategic areas: sustainable infrastructure, digital innovation, seamless logistics, regulatory excellence and people mobility.
- The digital innovation initiative aims to establish regulatory frameworks for the delivery of new digital services; support the sharing of best practices on open data; and equip micro, small and medium enterprises (MSMEs) with the capabilities to access these new technologies.
- Asia Pacific Economic Cooperation (APEC): In 2015, the 10th Ministerial Meeting on Telecommunications and Information endorsed the TEL Strategic Action Plan for 2016-2020. The TEL Strategic Action Plan aims to:
  - o Develop and support information and communications technologies ICT innovation;
  - o Promote a secure, resilient and trusted ICT environment;
  - o Promote regional economic integration;
  - o Enhance the Digital Economy and the Internet Economy; and
  - o Strengthen cooperation.
- LIRNEAsia: a regional ICT policy and regulation think tank active across the Asia Pacific. It focuses on creating and disseminating independent, usable, actionable knowledge, through applied research, on documenting and disseminating regional best practices, training and short-term advisory assistance to governments/parties on request.
- Digital Asia Hub: an independent, non-profit research think tank based in Hong Kong, provides a non-partisan, open, and collaborative platform for research, knowledge sharing and capacity building related to Internet and Society issues with focus on digital Asia. The Hub also aims to strengthen effective multi-stakeholder discourse, with both local and regional activities



## LATIN AMERICA

- Organisation of American States (OAS): Has two specific digital focuses; cyber security and e-government. In regards to security the OAS seeks to build and strengthen cyber-security capacity in the member states through technical assistance and training, policy roundtables, crisis management exercises, and the exchange of best practices related to information and communication technologies. In regards to their e-government programme, the OAS uses information and communication technology to help governments become more accessible to constituents, improve services and efficiency, and become more connected to other parts of the society. The OAS supports e-Government as it allows for greater access to information and in turn greater transparency and improved relations with citizens.
- Derechos Digitales: Based in Chile, this non-governmental organisation works on freedom of expression, privacy and personal data and copyright and access to knowledge. They produce research, conduct public advocacy campaigns and propose public policies to advance a more open and safe internet, respectful of human rights.
- Economic Commission for Latin America and the Caribbean (eLAC2018): Representatives from 18 countries approved the Digital Agenda for Latin America during the Fifth Ministerial Conference on the Information Society 2015. This agenda sets forth 23 policy objectives in five areas of action on: access and infrastructure; digital economy, innovation and competitiveness; e-government and citizenship; sustainable development and inclusion; governance for the Information Society. There currently appears no specific department or division for ICT and digital work. However they have published: *Hacia una mayor cooperación regional en CTI: en la búsqueda de espacios concretos de colaboración* (2014) (Towards greater regional cooperation in ICT).
- Latin American and Caribbean Internet Addresses Registry (LACNIC): is an international non-governmental organization established in Uruguay in 2002. It is responsible for assigning and administrating Internet numbering resources (IPv4, IPv6), Autonomous System Numbers, Reverse Resolution and other resources for the region of Latin America and the Caribbean. It is one of the five Regional Internet Registries that exist worldwide. LACNIC contributes to Internet development in the region through an active cooperation policy, promoting and defending the regional community's interests and helping create conditions that will allow the Internet to become an effective instrument for social inclusion and economic development.

# APPENDIX 5

## ACTIVE CONSUMER ORGANISATIONS AND THEIR MAIN APPROACH TO ENACTING CHANGE

In the 23 countries covered in this study, there are 31 consumer organisations who are active and engaged members of Consumers International, the table below shows their descriptions and main areas of work.

Region	Country	Consumer Organisation	Main approach and activity
Latin America	Argentina	Consumidores Argentinos	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	Argentina	Accion del Consumidor (ADELCO)	Publishing; Consumer Advice; Product Testing
	Brazil	Instituto Brasileiro de Defesa do Consumidor (IDEC)	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	Brazil	Proteste	Consumer Advice; Dispute Resolution; Product Testing
	Chile	Organisation of Consumers and Users of Chile (ODECU)	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	Chile	Formadores de Organizaciones Juveniles de Consumidores y Consumidoras (FOJUCC)	Networking; Campaigning and/or lobbying; Youth Engagement; Consumer Advice
	Costa Rica	Fundacion Ambio-Alerta	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution
	Mexico	Alconsumidor	Research/Policy analysis; Consumer Advice; Drafting and enforcement of consumer leg; Campaigning and/or lobbying
	Mexico	Via Organica	Consumer information and education; Lobbying government agencies; Research/policy analysis; Campaigning/advocacy;
	Mexico	El Poder	Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution
	Nicaragua	Consumer Defense League of Nicaragua (LIDECONIC)	Research/policy analysis; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation
	Peru	Peruvian Association of Consumers and Users (ASPEC)	Publishing; Research/policy analysis; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
Africa (and Middle East/Turkey)	Chad	Association pour la Defense de Droits des Consommateurs (ADC)	Networking; Campaigning and/or lobbying

	DRC	Association des Consommateurs des Produits Vivriers (ASCOVI)	Campaigning and/or lobbying; Consumer advice; Dispute resolution; Research/Policy analysis; Drafting and enforcement of consumer legislation; Publishing
	Ivory Coast	National Federation of Consumer Associations (FAC)	Publishing; Consumer Advice; Consumer Legislation; Dispute Resolution; Product Testing
	Kenya	Kenya Consumers Organisation (KCO)	Research / Policy analysis; Publishing; Consumer Advice; Drafting and enforcement of consumer leg; Networking; Campaigning and/or lobbying; Dispute Resolution; Product Testing; environment and dumping
	Nigeria	Consumers Awareness Organisation (CAO)	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Dispute Resolution
	South Africa	National Consumer Federation (NCF)	Consumer Advice; Networking; Campaigning and/or lobbying; Dispute Resolution
	Uganda	Uganda Consumers Protection Association (UCPA)	Networking; Campaigning and/or lobbying
	Lebanon	Consumers Lebanon	Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution
	Turkey	Consumer Rights Association	Publishing; Research/policy analysis; Consumer Advice; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution
	Fiji	Consumer Council of Fiji (CCF)	Publishing; Research/policy analysis; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution
Asia Pacific	India	National Law School of India (NLSIU)	Consumer law; Research/policy analysis; Dispute Resolution;
	India	Consumer Association of India (CAI)	Publishing; Research/policy analysis; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	India	Consumer VOICE	Publishing; Research/policy analysis; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	Indonesia	Consumers Association from Indonesia (YLKI)	Publishing; Consumer Advice; Networking; Campaigning and/or lobbying; Consumer Legislation; Dispute Resolution; Product Testing
	Pakistan	The Network for Consumer Protection in Pakistan	Advocacy; Research; Publishing; Consumer Education; Consumer Advice
	Philippines	IBON Foundation	Publishing; Networking; Campaigning and/or lobbying
	Thailand	Foundation for Consumers	Publishing; Networking; Research/policy analysis; Dispute Resolution; Consumer Advice

## V. ACRONYMS AND ABBREVIATIONS

ACCSQ	ASEAN Consultative Committee for Standards and Quality
ADELCO	Consumer Action Argentina
AFRINIC	African Network Information Centre
AMN	MERCOSUR Standardisation Association
AMU	Arab Maghreb Union
ANEC	European Association for the Coordination of Consumer Representation in Standardisation
APC	Association for Progressive Communications
APEC	Asia Pacific Economic Cooperation
APNIC	Asia Pacific Network Information Centre
APRICOT	Asia Pacific Regional Internet Conference on Operation Technologies
ASEAN	Association of Southeast Asian Nations
ASPEC	Peruvian Association of Consumers and Users
AU	African Union
CASE	Consumer Association of Singapore
CETIC	Centre of Studies on Information and Communication Technologies
CGI.br	Brazilian Internet Steering Committee
CIPESA	Collaboration on International ICT Policy for East and Southern Africa
CIPIT	Centre for Intellectual Property and Information Technology Law
CIS	Centre for Internet and Society
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of the Congo
DSA	Korean Digital Signature Act
ECCAS	Economic Community of Central African States
eCLAC	Economic Commission for Latin America and the Caribbean
ECOWAS	Economic Cooperation of West African States
EVC	Every Vote Counts App
GCC	Gulf Cooperation Council
GSO	GCC Standardisation Organisation
ICANN	Internet Corporation for Assigned Names and Numbers
ICT	Information and Communication Technologies
IDEC	Brazilian Institute of Consumer Protection
IETF	Internet Engineering Task Force
IGF	Internet Governance Forum
IoT	Internet of Things
ISO	International Standards Organisation
ISOC	Internet Society
ISP	Internet Service Provider
ITU	International Telecommunications Union
KICA 2013	Kenya Communications and Information Amendment Bill 2013
KICTANet	Kenya ICT Network
LACIGF	Latin American Regional Internet Governance Forum
LACNIC	Latin America and the Caribbean Information Centre
LGBT	Lesbian Gay Bi and Transsexual
MERCOSUR	Southern Common Market
OAS	Organisation of American States
OECD	Organisation Economic Cooperation Development
OECD CCP	OECD Committee on Consumer Policy
PESTL	Political, Economic, Social, Technological and Legislative

RIPE NCC	Regional Internet Registry for Europe, the Middle East and parts of Central Asia
SMEX	Social Media Exchange
UNCTAD	United Nations Conference on Trade and Development
UNHRC	United Nations Human Rights Council
USPF	Universal Service Provision Fund
W3C	World Wide Web Consortium
WGEC	Working Group on Enhanced Cooperation
WTO	World Trade Organisation
YLKI	Consumers Association from Indonesia



# CONSUMERS INTERNATIONAL

COMING TOGETHER  
FOR CHANGE

Consumers International brings together over 200 member organisations in more than 100 countries to empower and champion the rights of consumers everywhere. We are their voice in international policy-making forums and the global marketplace to ensure they are treated safely, fairly and honestly.

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