



WORLD CONSUMER RIGHTS DAY 2014: FIX OUR PHONE RIGHTS!

World Consumer Rights Day (WCRD) was established in 1983 to promote the basic rights of consumers everywhere. Annually, on 15 March, WCRD provides an opportunity for consumer organisations to draw attention to the important role that consumer protection policies and laws play in making societies safer and fairer. Moreover, on this day the occasion is presented to consumer agencies across the globe to promote the basic rights of all consumers in their respective jurisdictions, and for demanding that those rights are respected and protected.

This year the theme for WCRD is *"Fix Our Phone Rights"*. It was chosen by Consumers International given the importance of mobile phones to people's daily lives. The CARICOM Competition Commission (CCC) also sees this year's theme as fitting since it recently finalised a report on competition in the mobile sector in Suriname. The report shows that since the country allowed two mobile operators to commence the provision of mobile services in Suriname, customers have benefitted in several ways including: greater access to mobile phones; more brands or types of phones available in the country; an improvement in call and service quality, and more specials and promotional activities available.

The CCC however recognises that although competition in the mobile sector, as demonstrated in Suriname, can benefit consumers there is still a need for the enactment of consumer protection law and the establishment of National Consumer Organisations (NCOs) in all CARICOM Member States. National consumer protection laws are designed to prohibit businesses from engaging in unfair practices that take advantage of consumers and promote transparency, while NCOs provide a place where consumers can turn to for redress. With regards to the mobile phone industry in particular, such a framework would therefore ensure that enterprises, such as sellers of mobile phones and mobile service providers, do not engage in practices that may include among other things:

- a) Misleading advertising of the prices of mobile phones;
- b) The inclusion of unconscionable terms in contracts for the sale of mobile devices, e.g. no warranties provided to customers; or
- c) Unfair contract terms for post-paid mobile services, e.g. terms that penalise the consumer for termination of the contract for service, or allows the mobile provider to unilaterally vary call charges and other terms and conditions.

As the world celebrates WCRD, the CCC takes this time to remind CARICOM Member States of the importance of the provisions under Chapter VIII of the Revised Treaty of Chaguaramas that speak to consumer protection in the Community. These provisions are:

- a) **Article 184** which sets out the appropriate measures that must be taken by all CARICOM Member States to promote the interests of consumers in the region;
- b) **Article 185** which speaks to the harmonisation of consumer protection legislation in the region, by detailing the specific elements that must be contained in national laws; and
- c) **Article 186** which outlines the actions to be taken by the CCC to support CARICOM Member States in the promotion of consumer welfare and the protection of consumer interests.

Regarding Article 186, the CCC has over the past two years sought, through dialogue with NCOs, to identify ways that it can provide assistance to the CARICOM region in the area of consumer protection. Areas that continue to be discussed include:

- The potential for cooperation in consumer advocacy, training and technical assistance;
- The harmonisation of national statistics on consumer protection;
- Potential regional research projects relating to consumer detriment and consumer awareness; and
- Any urgent issues at the country-level relating to consumer protection that need to be specifically addressed.

It is also the objective of the CCC to involve non-governmental consumer protection agencies that are located in each CARICOM Member State to these discussions in the near future. This is since non-governmental consumer agencies play a critical role in advocating for the rights of consumers.

For any more information about the work of the CCC in the area of consumer protection, please feel free to email admin@ccc.sr or view our website at www.caricomcompetitioncommission.com.