

第6/1号课题

**消费者信息、保护和
权利：法律、监管、经济
基础、消费者网络**

第6研究期

2014-2017年



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第6/1号课题：消费者信息、
保护和权利：法律、监管、
经济基础、消费者网络
最后报告

前言

国际电联电信发展部门（ITU-D）研究组提供一种文稿驱动工作的中立平台，政府、行业和学术界的专家在此聚集，制定实用的工具和导则并开发资源来解决发展问题。ITU-D成员通过ITU-D研究组的工作，研究和分析以任务为导向的具体电信/ICT课题，从而加快各国发展优先工作的进展。

研究组为所有ITU-D成员提供机会来交流经验、提出想法、交换意见，并就研究处理电信/ICT优先工作的适当战略达成共识。ITU-D研究组负责根据成员提交的输入意见或文稿来制定报告、导则和建议书。国际电联通过调查、文稿和案例研究收集的信息利用内容管理和网络发布工具公开提供，以方便成员的轻松访问。研究组的工作与ITU-D不同计划和举措相关联，以发挥协同作用，使成员在资源和专业知识上受益。与在相关议题领域开展工作的其他群体和组织进行协作至关重要。

ITU-D研究组的研究课题由四年一届的世界电信发展大会（WTDC）决定，每届WTDC为界定下一个四年的电信/ICT发展问题和优先工作制定工作计划和导则。

ITU-D第1研究组的工作范围是研究“**发展电信/ICT的有利环境**”，ITU-D第2研究组则是研究“**ICT应用、网络安全、应急通信和适应气候变化**”。

在2014-2017年研究期，由以下人员指导**ITU-D第1研究组**的工作：主席McElvane Webber（美利坚合众国）和代表六个区域的副主席：Regina Fleur Assoumou-Bessou（科特迪瓦）、Peter Ngwan Mbengie（喀麦隆）、Claymir Carozza Rodriguez（委内瑞拉）、Victor Martinez（巴拉圭）、Wesam Al-Ramadeen（约旦）、Ahmed Abdel Aziz Gad（埃及）、Yasuhiko Kawasumi（日本）、Nguyen Quy Quyen（越南）、Vadym Kaptur（乌克兰）、Almaz Tilenbaev（吉尔吉斯共和国）和Blanca Gonzalez（西班牙）。

最后报告

针对第6/1号课题：“消费者信息、保护和权利：法律、监管、经济基础、消费者网络”的最终报告在两位共同报告人陈金桥（中华人民共和国）和Romain Abilé Houéhou（非洲ICT消费者网络，贝宁）的领导下制定，参与工作的还有9位副报告人：Majid Khalid Al Balushi（阿曼电信管理局，阿曼）、Edva Altemar（海地）、Romain Ciza Mweze（刚果民主共和国）、Yawo Sitsofé Mawuéna Gamo（多哥）、Stanislas Kanvoli Kakou Bidge（科特迪瓦）、Carl Adams Kopati Gbadi（中非共和国电信管理局）、Cristiana Camarate Leão Quinalia（巴西）、Suzy Owona Noah（喀麦隆）和Ahmadou Traoré先生（马里）。ITU-D联系人和ITU-D研究组秘书处也协助他们开展工作。

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i. 引言

技术的瞬息万变引发了一场革命，电信行业亦无例外。日新月异的变化为当今的消费者带来了五彩缤纷的服务。¹

显而易见，互联网和数字技术正在改变我们的世界，为企业和消费者创造了丰厚的机遇，甚至使受服务者在作为消费者的同时提供和生产（有时被称为“制作消费者”）。这种势头影响到对信息和带宽的需求，使消费者在市场上更能掌控利用与日俱增的需求的力量以及对信息通信技术（ICT）的使用。但如获得使用和采用电信/ICT的障碍长存，公民可能会错失良机和服务，互联网公司和创业企业的发展前景将受到限制，企业和政府将无法为公民全面得益于或充分利用数字手段。

在技术创新、行业发展和市场竞争的驱动下，今天的电信用户在享有更丰富的业务机遇的同时，也面临消费者权益范围、类型的不断变更，乃至受到危害。由于ICT被公认为经济和社会发展的基础，生态系统通过扩大中已将ICT/电信运营商和服务提供商，以及包括卫生、教育、交通和金融等其它行业的伙伴涵盖在内。各行各业的监管机构必须为新的融合数字经济创造有利条件，消费者也需进一步加深对如何得益于融合数字经济所提供的机遇的了解。

国际电联电信发展部门（ITU-D）一直认识到消费者保护的重要性，尤其是交流有关制度、政策和规则以及指导国家监管机构和世界各地电信消费者的最佳做法的必要性。

2014年，世界电信发展大会（WTDC）根据各研究组之前取得的进展和电信发展顾问组（TDAG）在2014-2017年研究期内提出的建议确定了有关消费者信息、保护和权益的第6/1号课题。

ii. 以往的工作

第18-2/1号课题2010-2014年研究期²的最终报告得出结论，融合环境中的消费者保护规则必须基于联合国有关消费者保护的八项指导原则：

- 1) 满足基本需求的权利；
- 2) 产品保障权利；
- 3) 知情权；

¹ 出于非专业目的，购买或使用市场中可用产品和服务的自然人或法人。1962年5月15日，当美国约翰·肯尼迪总统提交《美国消费者保护法》时，向国会宣称：“消费者[……]是最大的经济团体，影响到几乎每项公共和私人经济决策，同时也受后者的影响。但是，他们的意见经常不受重视[……]。”这是第一次在制度上将公民作为消费者对待。因此，消费者是形成产品市场，继而促进人力和经济发展的强大经济力量。

² 第18-2/1号课题2010-2014年研究期报告“特别加强融合环境内消费者保护的国家政策和规则”。见 <https://www.itu.int/pub/D-STG-SG01.18.2-2014>。

- 4) 选择的权利；
- 5) 提出意见的权利；
- 6) 获得赔偿的权利；
- 7) 获得教育的权利；
- 8) 获得健康环境的权利。³

多数国际电联成员国有关融合时代国家消费者保护的政策和规定水平依然参差不齐。多数发展中国家的宽带基础设施及其所打造的新业务层出不穷，但各国保护ICT/电信消费者的法律和规则依然普遍有待完善和协调。

第18-2/1号课题报告确定了有关消费者保护的监管规定和义务的四项导则：

- 1) 对ICT/电信案文的修订旨在使它们适用于融合环境，并提出旨在确保新环境下消费者保护的申诉权；
- 2) 编写有关融合环境中消费者权利和义务的案文；
- 3) 根据明确定义的监管条件和安排，以支付消费者保护协会补贴的形式资助其活动；
- 4) 为在消费者协会和ICT/电信监管机构以及在消费者协会和ICT业务提供商/运营商之间开展对话确定常设框架；

报告还要求在相关消费者保护实体之间开展协调并提出了两项方案建议：

- 1) 在ICT/电信部门消费者协会之间开展协调；
- 2) 为加强消费者保护增进部门监管机构间的合作。

报告还涉及消费者协会的技术使用、国际合作和经验交流、教育、信息和能力建设。报告最后确定了在融合环境中保护消费者的一些最佳做法和导则。

iii. 预期输出成果

第6/1号课题的定义指出，消费者信息和消费者权利成为重点问题，而这一问题应该成为一项单独研究议题。上个研究期开展的研究，强化和囊括了此前就实施消费者保护（特别是融合环境中）和执法的基本问题提出的研究结果，其中包括适用的国家立法、做法、程序和惩罚手段。

2014-2017年研究课题如下：

- 1) 公共消费者保护机构就立法/监管和监管活动制定的组织方法和战略；
- 2) 说明监管机构、运营商/服务提供商和消费者保护机构建立的消费者通报机制/方法，尤其是涉及的不同问题领域；

³ 联合国第39/248号决议，1985年4月16日。

- 3) 国际、区域和国家机构在保护电信/ICT消费者权利中的作用；
- 4) 国家管理机构从电信/ICT服务消费者的利益出发，尤其是具体类别的用户（残疾人、妇女和儿童）的利益出发而采取的经济和财务措施；
- 5) 在提供与消费者保护相关的新型融合服务方面遇到的挑战。以及国家监管机构（NRA）为保护消费者免受这些融合业务的运营商/提供商可能的滥用而制定的政策、规则 and 规定。

研究期结束时预期产生的输出成果如下：

- 需编制一份为成员国和部门成员、消费者保护机构、运营商和业务提供商确定指导原则和最佳做法的报告，以帮助这些参与方在信息、提高意识、将消费者基本权益纳入法律和国家、区域或国际监管文件以及所有电信/ICT服务提供中的消费者保护领域寻求改善消费者保护文化所需的工具；
- 举办区域性消费者保护研讨会：消费者信息、保护与权利、法律、经济和财务基础、消费者网络。

iv. 2014-2017年研究期的文稿和输出成果

文稿和输入来源：

除本研究期收到的文稿外，在之前研究期的输出成果的基础上，现有第6/1号课题审议了若干报告和举措：

- **国际电联**：国际电联2015年监管问卷调查收到回复。许多与消费者保护相关的问题已纳入本报告。
- **欧洲电子通信监管机构组织（BEREC）**：为使BEREC和各国监管机构（NRA）特别从最终用户角度了解有关网络中立性（NN）的市场走势，BEREC通过委托开展了一项消费者研究，以便了解消费者如何看待NN，并通过文献研究收集有关消费者使用互联网的公开信息。⁴
- **《联合国消费者保护导则》（UNGCP）**：为发达和发展中国家在线采购人群提供更好的保护是对联合国2015年7月在日内瓦一次重要的联合国贸发大会（UNCTAD）上达成的导则的重要修订成果之一。向联合国大会提交的一项提案包括请求UNCTAD成立一个有关消费者保护法律 and 政策的政府间专家组以监督导则的实施，发挥交流最佳做法论坛的作用并向发展中国家和经济转型国家提供技术合作 and 能力建设。UNGCP经过1999年最后一次修改后有必要更新，以满足电子商务 and 在线购物以

⁴ http://berec.europa.eu/eng/document_register/subject_matter/berec/reports/5024-berec-report-on-how-consumers-value-net-neutrality-in-an-evolving-internet-marketplace-a-report-into-ecosystem-dynamics-and-demand-side-forces。

及诸如金融服务、能源、公益事业和旅游等其它领域的需求。导则包括公平对待在线和离线消费者以及保护消费者隐私的重要原则。⁵

- **印度电信管理机构（TRAI）**颁布了新的规则，要求运营商向客户通报其数据使用情况，并要求电信公司在启动数据服务前获得使用者的明确同意。TRAI指出，它已收到客户大量有关数据使用缺乏透明度的投诉，从而造成客户（在可行时）超额使用，产生附加收费和费用。此外，TRAI报告指出，未经用户同意而启用手机互联网服务引发超量数据使用和收费亦招致投诉。⁶
- 作为研究期工作的组成部分，多场区域研讨会的组织和其它研讨会提供的输入意见使报告得到充实：
 - 国际电联与印度TRAI于2016年就消费者保护议题联合举办了区域培训活动。活动发言和报告见[网站](#)。⁷
 - 国际电联与中华人民共和国工信部于2016年11月在重庆举办了有关消费者保护的区域讲习班。发言和报告见[网站](#)。⁸
 - 2017年3月在贝宁的科托努举办了有关应对数字时代消费者的权益和保护领域电信、广播和融合的ICT监管结构现有和新兴挑战的可能的解决方案的区域性讲习班。该讲习班是由国际电联与[贝宁共和国数字经济和通信部](#)协作组织的发言和报告见[网站](#)。⁹

输出成果：

本报告认真探讨了在变化莫测的世界中的发展，尤其是电信行业的态势。报告涉及许多议题，如电信消费者的情况和进步、电信消费者保护领域面临的挑战、有关电信消费者权益的机构框架、消费者权益保护的经济方面。报告最后全面概括了通信消费的全球趋势。报告试图总结国际电联成员国的经验，将各国际组织的报告和各国监管机构的法律和规则涵盖在内。在此基础上，报告为读者提供了面向各种市场力量和政策制定者以及监管机构的一些有益导则。

最重要的原则罗列如下（不完整）：

- 需要公平和平等对待；
- 需要披露和透明；
- 需要教育消费者并提高认识；
- 确保保护隐私；

⁵ http://www.consumersinternational.org/news-and-media/news/2015/07/ungcp-revision_july2015/和http://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=1034&Sitemap_x0020_Taxonomy=UNCTAD Home;#2039;#7th UN Review Conference;#1475;#Competition Law and Policy。

⁶ <http://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Pages/Events/2016/Mar-ITU-TRAI/home.aspx>。

⁷ 同上。

⁸ <http://www.itu.int/en/ITU-D/Study-Groups/2014-2018/Pages/meetings/china-nov16.aspx>。

⁹ <http://www.itu.int/en/ITU-D/Regulatory-Market/Pages/Events2016/Benin/Home.aspx>。

- 确定解决消费者投诉和争议的机制；
- 在融合的服务中树立消费者的信心；
- 完善法律和规定以适应数字融合世界；
- 通过转换传统职能，如市场准入和互连互通，加强智慧监管；
- 在政府机构、市场各方和消费者实体之间建立联合监管机制。

1 第1章 – 电信消费者及其权益：现状和进展

1.1 简要回顾：从用户到消费者

在过去的150年间，电信消费者的定义经过演变涵盖电话用户、移动电话用户和互联网用户，“传统”电信用户和互联网用户之间的界限越来越模糊。今天的定义既包括基础设施、终端设备和网络资源的使用者，也包括商业服务和内容服务用户。今天的电信消费者包括传统电信网络和服务以及互联网中的各类消费产品的用户。

用户和消费者面临的变革包括：

- 1) 产品和服务不断扩大；
 - 2) 使用和应用日新月异；
 - 3) 使用者已从人变为一切；
 - 4) 单独使用行为变为共享使用；
 - 5) 投资者、运营商、服务提供商和消费者之间以及各行各业的监管机构之间开展更多协调。
- 设备制造商、运营商、服务提供商以及监管机构和政策制定者正在以创新型产品、服务、内容、政策和规则适应这些变革以满足消费者不断变化的需求。

1.2 消费者权益保护的新趋势

今天，ICT消费者的行为正在发生变化。消费者踊跃将ICT产品和服务广泛用于交易、共享和服务提供，改变了他们与设备制造商、运营商、内容提供商、行业协会、政府各部门和其它机构之间的关系。消费者权益及其保护的特性和趋势已朝着下列方向变化：

- **电信消费者多样化。** ICT创新拓展了信息通信行业的边界，使电信行业的力量从个人扩大到组织、从人扩大到机器，从单个设备扩大到联网的一切。
- **消费内容丰富。** 随着网络技术、计算机技术和数字技术的快速发展，电信用户不仅可以享用终端、信息传输和视频内容。今天，他们还可以通过在线或离线手段获得硬件、软件、数字内容和服务，从现实世界走向虚拟现实。
- **消费全球化。** 电信网络和互联网之间的加速融合导致不同区域或跨国企业内部的全球化和相互协作，同时对劳动力市场和机遇造成影响。无论是硬件生产、销售和维修服务，还是数字内容传输与共享，或数字服务提供，影响比比皆是。国际数据漫游和跨边界电子商务二者都是全球化造成的典型问题。
- **商业模式花样翻新。** 相同的产品和服务根据行为习惯或销售目的可采用不同市场政策，既可免费，也可按时间或按容量收费。付费方可以是消费者，或内容提供商。

- **价格差异化。**不同产品和服务在资源需求和成本结构上存在差异。在不考虑货币或兑换率因素的情况下，类似产品或服务的价格可能在国与国之间迥然相异，而不同产品和服务之间的价格差异更具天壤之别。即使是采用全球通用技术标准的普遍服务，如移动话音和数据服务，各国的价格也经常存在差异。
- **服务质量（QoS）参差不齐。**尽管一般情况下技术决定ICT产品和服务的QoS上限，市场竞争规则亦能对结果产生影响。国家技术标准以及政策和规定通常决定了最低标准，但本国和国际市场的开放程度亦对QoS产生影响。市场条件和监管亦会对更加清晰的消费者信息提出要求。
- **责任和举证责任。**面对多家信息通信运营商和服务提供商、多样化的服务和复杂的货物和服务供应链，个人消费者通常难以确定令人不满的服务所造成的具体损失，其中经常涉及双边举证责任，尤其是在在线交易中。
- **复杂的安全性。**安全问题或许与用户终端或连接相关并关系到设备制造商、网络运营商、内容提供商或服务提供商提供的服务或内容。许多问题不是一个国家可以控制的。世界各地的政策制定者和监管机构面临越来越多的个人数据和网络安全问题。为应对日趋复杂的网络和信息安全问题，有必要开展协作。

1.3 消费者权益范围：国际范畴

1.3.1 概况

消费者权益指以货物或所收到服务得到回报的权益，涵盖获得这些货物和服务后的一段时间。与提供商相比，消费者在其自身权益保护中处于弱势，因为，他们通常缺乏信息、知识和技能，而且受到外部力量和其它因素的影响，处于弱势地位。政府和国际组织（包括国际电联）正在采取行动，通过制定政策和规则，传播信息，开展教育和培训，为消费者提供指导和帮助。

20世纪80年代，成立于1960年、现在120个国家拥有240多个成员组织的世界消费者群体联盟—“国际消费者保护协会”（CI）¹呼吁制定一套消费者责任以辅助消费者权益的实现。消费者权益是围绕着一套八项基本原则制定的。这些原则包括：满足基本需求的权利、符合安全标准的权利、知情权利、选择权利、表达意见的权利、获得赔偿的权利、接收消费者教育的权利以及享有健康环境的权利。²消费者责任以一套关键性原则为中心，包括深刻认识、参与或行动、社会责任、生态责任和团结一致。³

联合国《联合国消费者保护导则》（UNGCP）确定了有效消费者保护法律、执行机构和赔偿制度的主要特征并帮助相关成员国拟定和执行适合其经济社会和环境情况的国家和区域性法律、规则和规定。该规则亦为成员国之间进行国际执法合作和知识交流提供了框架。⁴

¹ <http://www.consumersinternational.org/who-we-are/about-us/>。

² <http://www.consumersinternational.org/who-we-are/consumer-rights>。

³ <http://www.consumersinternational.org/who-we-are/consumer-rights>。

⁴ 导则最早是由联合国大会通过1985年4月16日第39/248号决议通过的，之后经1999年7月26日经社理事会第E/1999/INF/2/Add.2号决议扩充并在最近得到2015年12月22日联大第70/186号决议的修订（见http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/186）。

1.3.2 ICT中的消费者保护 – 国际电联的作用

ITU-D一直重视电信/ICT行业中的消费者保护，尤其是为指导全球国家监管机构和电信消费者进行有关机构、政策和规则以及最佳做法的信息交流的必要性。ITU-D在过去三个研究期一直利用报告和出版物以及各种活动和培训资料⁵开展消费者保护工作⁶。在2014年召开的国际电联全球监管机构专题研讨会（GSR）上，各监管机构确定了为在不妨碍增强消费者在竞争、安全和值得信赖的数字环境中的创新生活体验的情况下保护ICT消费者权益需采取的措施。这些措施包括：

- 沿着从ICT网络到应用以及服务的价值链重新定义消费者的保护需求。
- 确定ICT利益攸关方（政府、业界和消费者）在数字环境中的重心和责任。
- 扩大监管机构的职责并强化措施以确保在融合的数字环境中实现有效的消费者保护（尤其是对隐私、数据保护、防止欺诈、滥用等问题的处理）。⁷

1.4 各国最近取得的进展

多数国家已通过了法律和规则，并创建了实体和组织以告知和帮助消费者了解其权益以及在权益受到危害时行使权益的机制。这些措施一般是由政府机构指导制定并由第三方落实的。在很多情况下，司法机构被授予向消费者最终提供赔偿的职责。以下图1至8列出的国际电联2016年数据显示，许多国家在消费者保护领域取得了长足进展，监管机构发挥了重要作用。

图1：国际电联成员国有关消费者问题的反馈

		国家/经济体数						总数
		非洲	阿拉伯国家	亚太	独联体国家	欧洲	美洲	
是否具有具体的电信消费者保护法律/规则	是	27	12	19	8	39	23	128
	否	11	5	14	0	3	9	42
负责处理消费者投诉的监管机构	是	39	15	28	8	36	28	154
	否	1	1	2	0	6	3	13
监管机构是否负责促进消费者参加其活动？	是	34	12	24	5	23	21	119
	否	2	4	7	2	18	10	43
负责消费者培训的监管机构	是	37	11	25	7	36	25	141
	否	1	4	6	1	6	6	24
监管机构是否负责代表消费者/维护其权益？	是	27	13	22	7	24	22	115
	否	7	3	9	1	17	10	47
负责比较自费信息的监管机构	是	33	6	14	3	26	15	97
	否	4	6	13	4	15	13	57
如是，请说明涉及哪些业务		11	2	9	1	18	10	51
区域规模		23	5	11	2	24	15	80
		44	21	40	12	43	35	195

⁵ <http://www.itu.int/en/ITU-D/Regulatory-Market/Pages/default.aspx>。

⁶ 第18-2/1号课题：特别加强融合环境中有关消费者保护的国家和规则，见<https://www.itu.int/pub/D-STG-SG01.18.2-2014>。

⁷ http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2014/BestPractices/GSR14_BPG_en.pdf。

图2：国际电联成员国有关消费者问题的反馈

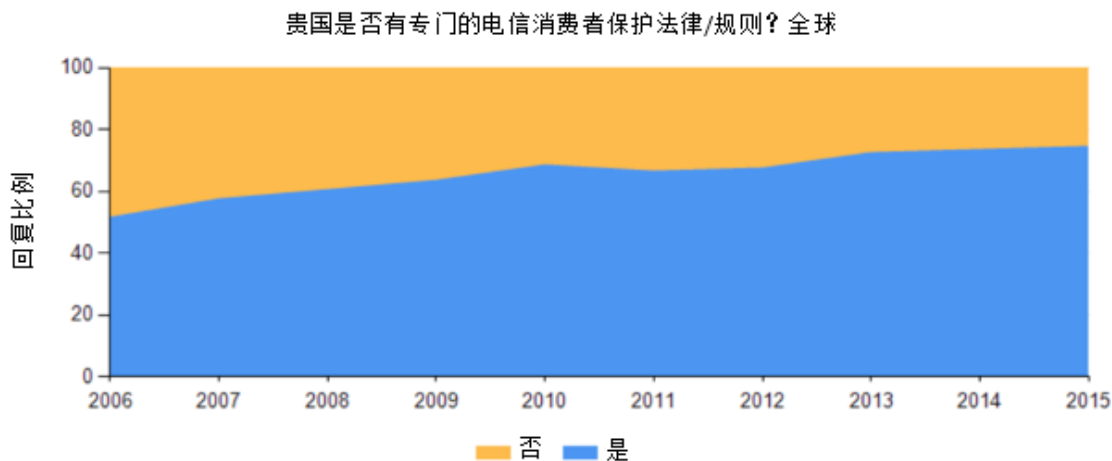
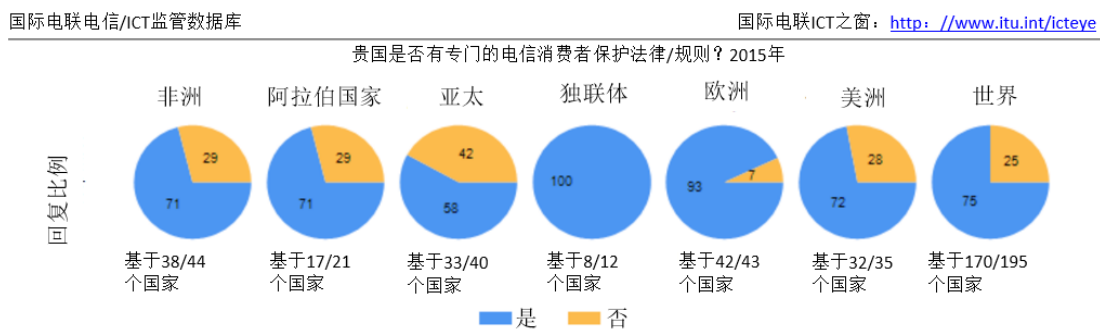
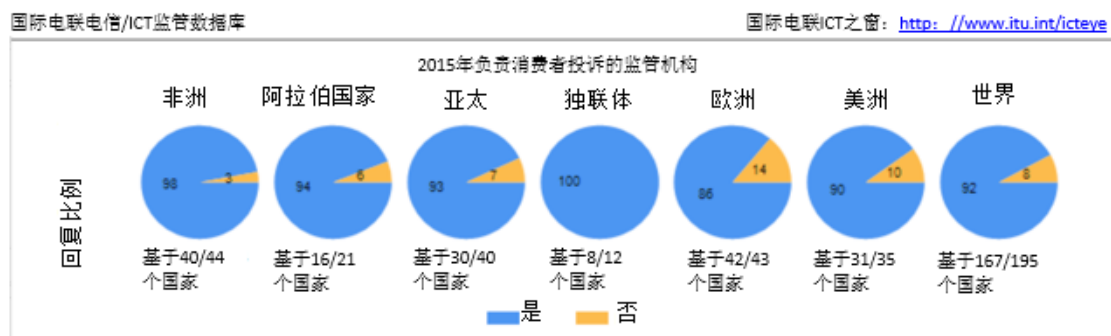


图3：国际电联成员国有关消费者问题的反馈



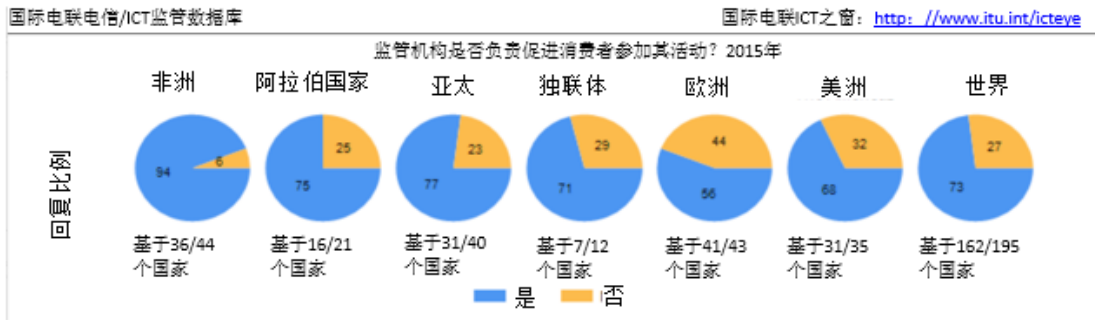
来源：国际电联电信/ICT监管数据库。

图4：国际电联成员国有关消费者问题的反馈



来源：国际电联电信/ICT监管数据库。

图5：国际电联成员国有关消费者问题的反馈



来源：国际电联电信/ICT监管数据库。

图6：国际电联成员国有关消费者问题的反馈

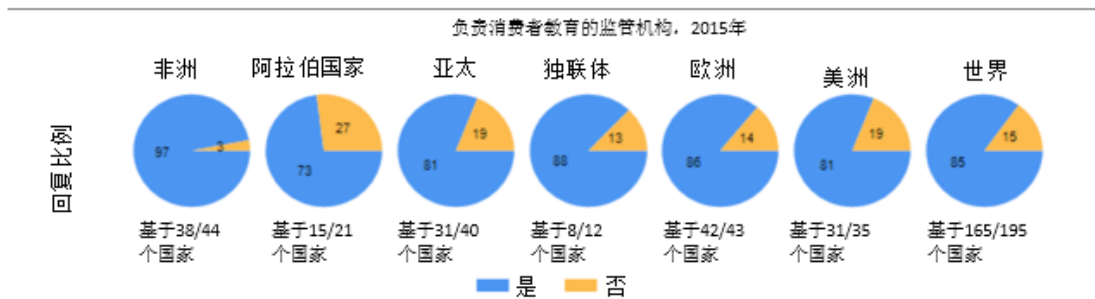


图7：国际电联成员国有关消费者问题的反馈

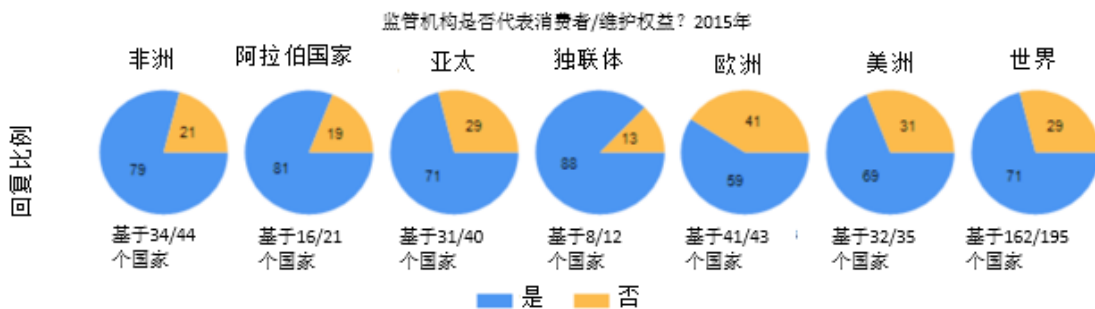
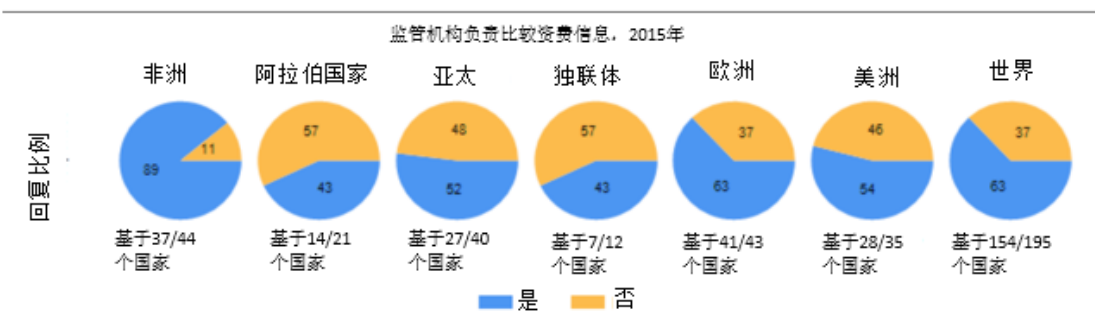


图8：国际电联成员国有关消费者问题的反馈



国际电联2013年的一份报告亦注意到，有必要修改规则框架，包括改进有关执行和实施保护消费者的法律、规则和规定的措施，因为，向消费者提供和出售服务、应用和内容的形式正在发生翻天覆地的变化，而且之前服务于不同市场的不同提供商现为争夺相同的客户而相互角逐。报告指出，国家监管机构面临的挑战是从消费者角度了解融合的发展动向。尽管许多国家仍在确定融合服务的政策和/或规则，但价格透明度和技术/网络中立性、个人数据/隐私/保密信息的保护以及投诉权是有待处理的重要消费者权益。在此情况下，国际电联的报告指出，监管机构普遍需要做到以下几点：

- 鼓励为普遍可以使用和接入的高速网络和先进的技术解决方案投资；
- 保护创新者、制造者和消费者远离因在线（越来越多的是跨边界）配送货物和服务产生的造假和盗版；
- 促进并保障电子商务：建立繁荣可靠高效的电子支付机制（卡、互联网和移动手段）（如电子交易使用的电子识别和信任服务）的框架；
- 确保消费者拥有做出知情选择所必须的信息并在出现问题时享受充足的保护和赔偿机制；
- 通过制定涵盖新技术、可满足未来需求的、稳健的打击网络犯罪战略和数据保护以及隐私保护战略，确保对互联网的信心；
- 为内容传播机构建立更加简单而清晰的监管框架和公平竞争基础，避免因网络和传输监管与内容监管相分离而可能造成的法律不确定性、重复工作和双重监督。⁸

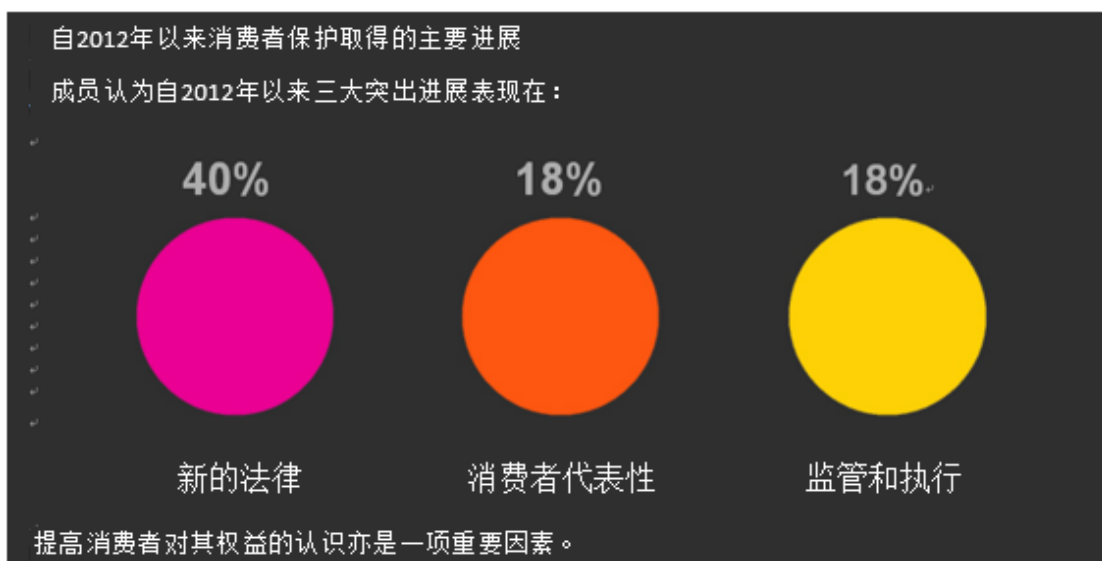
2014年国际消费者协会（CI）通过对其成员国组织的全球调查着手评定世界各地的消费者保护情况。⁹ 调查显示的主要结果正如以下图9和10所示，多数人普遍认为新的法律是过去三年消费者保护取得进步的主要因素，更上一层楼仍是众望所归。人们认识到，随着数字经济的发展和进步，从事消费者利益保护的机构面临多重挑战，问题之一是如何最好地确保法律、监管和标准框架适应瞬息万变的技术环境。调查还确定有必要尊重消费者的数据和隐私，陈旧的消费者保护机制跟不上数字经济变革的步伐令人堪忧。最后，调查亦发现，随着数字经济和数字技术的普及，新的消费者保护手段和机遇应运而生。¹⁰

⁸ <https://www.itu.int/en/ITU-D/Regulatory-Market/Documents/Regulation%20and%20consumer%20protection.pdf>。

⁹ 为便于研究，CI成员分为四个大区。这些区域包括：非洲、亚太、中亚和中东（APCAME）、欧洲以及北美（EurNA）、拉丁美洲和加勒比地区（LA&C）。<http://www.consumersinternational.org/media/1568496/ci-survey-summary-2015-english.pdf>。

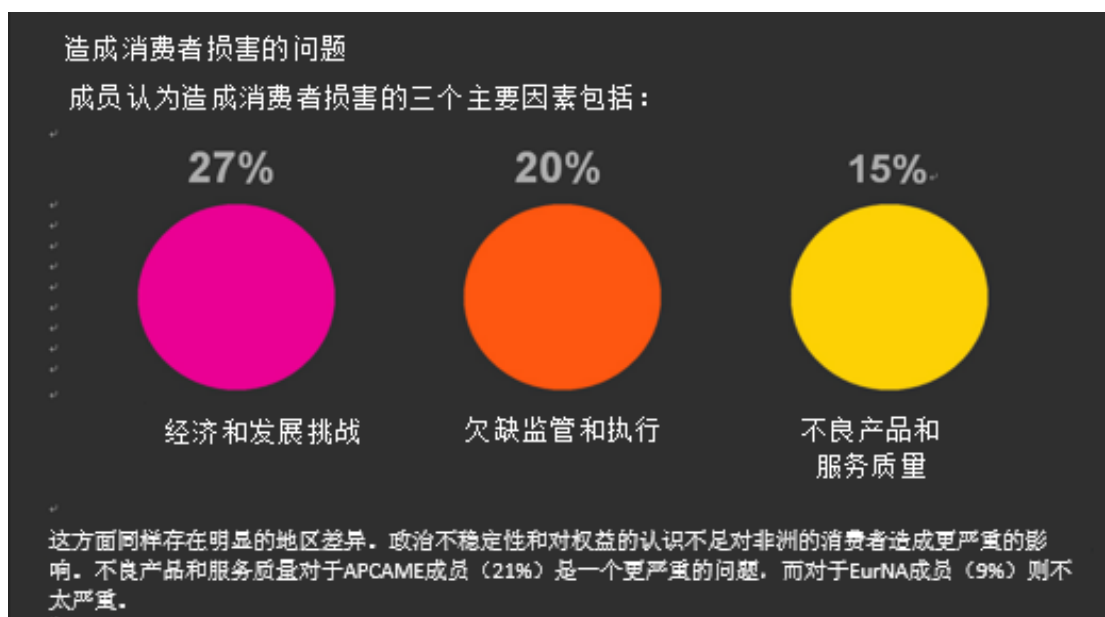
¹⁰ <http://www.consumersinternational.org/media/1568496/ci-survey-summary-2015-english.pdf>。

图9：国际消费者协会自2012年以来在消费者保护方面取得的主要进展



来源：国际消费者协会2014年调查报告，见<http://www.consumersinternational.org/media/1568496/ci-survey-summary-2015-english.pdf>。

图10：造成消费者损害的问题



来源：国际消费者协会2014年调查报告，见：<http://www.consumersinternational.org/media/1568496/ci-survey-summary-2015-english.pdf>。

2 第2章 – 电信消费者保护领域的挑战

2.1 技术创新

根据《奥斯陆手册》（收集和解释创新数据的指导原则）的定义，技术创新包括产品和工艺创新以及各领域中的创新措施。¹¹

产品创新指将全新或基本特性显著改进的产品（货物或服务）投放市场，而工艺创新则指为货物或服务采用全新或显著改进的制作流程、配送方法或支持活动。

从古代的烽火信号到第四和第五代数字电话的出现，从电报到互联网，通信手段和媒体在几个世纪内经历了翻天覆地的变化。与此同时，简单的交流需求转变为通过语音且越来越多地采用数据向全球各地实时发送信息的需求。如今的产品和服务琳琅满目，影响着消费者的使用和健康，因而消费者比以往任何时候都更需要了解如何最好地利用市场上提供的产品。

2.1.1 技术创新对使用和服务的影响

– 服务

除普遍服务外，在线服务、新应用、软件解决方案和功能不断更新的终端和设备等技术创新和多样性为消费者提供了有助于缩小数字鸿沟的种种通信、贸易和信息获取机遇。

技术发展的益处不容置疑，从以下各国的经验中便可略见一斑：

以喀麦隆¹²为例，即该国2015年与多家移动电话运营商签署了合作伙伴协议之后，税务管理机构现允许人们通过手机付税，因而进一步贴近纳税人并解决了一些出行问题。此外，在2015年2月依据电信管理局（ART）的举措首次举办的有关喀麦隆数字经济中3G/4G服务的国家论坛上，运营商介绍了创新数字服务带来的各种机遇：电子商务、电子教育、电子卫生、电子银行和电子支付。

4G的落实正在进行之中，许可运营商更新了许可协议和职责范围。4G的实验工作仍处于初期，目前仅涉及三个试点城市（Yaoundé、Douala和Garoua）。由于网络质量和覆盖不尽人意，消费者尚未充分得益于3G服务。在该国邮电部组织的首次国家数字经济日中，世界银行注意到喀麦隆3G服务的欠缺，覆盖约占2%，而毛里塔尼亚则达到8%，突尼斯17%。服务质量是用户不满的关键，因此，影响到最终用户承担的费用。

– 使用

根据法律和规则框架以及市场条件的不同，创新服务既可成为加大电信/ICT使用的源泉，亦可成为结果。

¹¹ http://www.uis.unesco.org/Library/Documents/OECD OsloManual05_en.pdf。

¹² SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

在**喀麦隆**，虽然电信普及率有了突飞猛进的增长（从2010年的25%提高至2014年的92%），但通常由于网络覆盖不足，技术创新的影响依然微不足道。2014年，ART委托国家统计局（INS）开展了一项“对电子通信服务的获取、使用和认识研究”。此项研究的双重目的是获取有关ICT接入和使用的基本指标，以及计算得出的指数和综合指标（数字接入指数（DAI）和ICT发展指数（IDI））。¹³

有关接入和使用，结果显示，11.8%的家庭拥有计算机（其中城市为20.7%，农村地区为3.3%），6.7%的家庭实现了家庭互联网连接（其中城市地区为12.3%，农村地区为1.4%）。私营企业是主要的互联网用户，与公共行业相比，比例分别为89%和46.5%。2014年，DAI为0.365，IDI为2.03。¹⁴

研究建议指出，面对瞬息万变的技术演进，政府机构和监管机构必须提供一个监管框架，以便确保消费者以可承受的价格获得高速设备和服务，同时采用激励手段鼓励电信和ICT行业的发展。

在**中华人民共和国**，¹⁵ 国家电信用户委员会（NCTU）对2014年开始投入商用的4G服务市场的技术创新和发展紧密跟进。才参与了测试并从技术和商业方面引入这些服务后，NCTU成员（企业、大学和研究机构）就4G市场的发展、消费者利益和服务功能的改善等方面提出了多项建议。

2.1.2 与技术发展相关的其他消费者问题

2.1.2.1 为消费者提供信息、提高认识并加强培训

由于宽带和ICT以及技术的高速发展，今天的消费者可以从诸多来源高速获得多种多样的信息。这些服务是否符合消费者的真正需求？或服务本身是否创造需求？考虑到技术创新产品的财务影响，必须将产品的使用知识告知消费者并提供培训，使他们掌握产品的使用并在充分知情的情况下购买这些产品。

2.1.2.2 电磁场暴露的健康影响

与日俱增的耗频新技术以及伴随基础设施部署加大的运营商网络令一些消费者保护协会、用户、乃至地方社区对公众健康的影响忧心忡忡。已经或正在进行的国际研究结果尚无法保障，这些技术对人体健康毫无影响。

喀麦隆¹⁶已为解决电磁场暴露问题着手建立监管框架：

- 于2013年2月27日制定的第2013/0403/PM号法令对电子通信网设备的电磁发射或其它能够产生电磁发射的设备的最大公众暴露门限值做出规定。得到电子通信网络安装或运行授权的各方，无线网络或设施运营商以及频率指配协议持有者承担所规定的义务。更具体而言，当此类设备或设施100米半径之内的教育机构、幼儿园和医

¹³ <http://www.art.cm/images/pdf/studies/NIS%20survey%20Updated.pdf>。

¹⁴ 同上。

¹⁵ 1/88号文件，“国家电信用户委员会为改善电信服务有效开展工作”，中华人民共和国。

¹⁶ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

疗单位，无线电设备和设施运营商需采取措施，确保在降低服务质量的基础上将暴露尽量降低至最低水平。

- 2015年4月18日颁布的第00000054/MINPOSTEL部级决定涉及电缆塔、天线和线杆的安装，负责规定电缆塔和线杆技术特性以及围栏、距离、路权、信令、照明和标牌安全特性的ART负责监督该决定的实施。

2.1.2.3 环境影响：电子废物问题

在电子通信行业的蓬勃发展，电子通信终端和设备以及ICT推陈出新，消费者越来越多地使用多种装置和设备，电子废物管理问题与日加剧，电子废物对环境和公民健康的不良影响日趋严重。统计数据表明，电子废物是全球增长速度最快的废物，2014年预计达到4200万公吨。国际电联最近一份有关拉丁美洲电子废物和电子设备可持续管理（WEEE）的报告认识到，尽管WEEE的非正式管理可以影响健康和生活质量，但具体的监管框架亦必不可少。责权分明的有效管理模式（包括所有利益攸关方）亦是一项关键要素。对WEEE不良管理造成的环境和社会风险进行经济分析应成为各国确定框架过程中的一个环节。但WEEE不是一个国家的问题，因此，环境和ICT代表在国家、区域和全球层面的协调对于各项行动的效率和可持续亦具有举足轻重的意义。¹⁷

2.2 市场环境和竞争

电子通信运营商和各企业在激烈的竞争中以价格作为筹码吸引消费者。消费者越来越多地成为“制作消费者”并甚至由此在市场中的占据更有利的地位。

2.2.1 价格和促销套餐花样翻新

在加蓬利伯维尔举办的**2015年全球监管机构专题研讨会**通过的一项最佳做法旨在为用户和提供商提供保护。这项最佳做法提出了“通过不同措施和举措培训消费者并提高其能力，包括为消费者提供平台，以便对所获得的服务和资费轻而易举地进行实时更新，向消费者通报法律条款和投诉/赔偿程序，并推广网络安全文化”的必要性。¹⁸

在技术创新的飞速发展，运营商为不断争取新的市场份额，将种种旨在产生需求感的诱人产品报价接连不断地推送至消费者终端。在**喀麦隆**，资费种类五花八门，一些资费可追溯至某些运营商网络投入运行之时，模糊了人们对基本报价的清楚认识。无法让用户升级使用新的产品并理顺各种资费的情况使人难以对所应用的资费一目了然。对于一些消费者，他们主动选择不过渡到新的资费，用户之所以选择更具吸引力的资费目的在于满足需求。然而，对于多数人而言，选择不过渡的原因主要是对各种报价不够理解或没有清楚的认识。

在促销情况下，监管机构可以为指导消费者并防止运营商权利滥用发挥关键的作用。在**喀麦隆**，商业骚扰此起彼伏，促销活动已不再是短期行为。为解决该问题，ART依据2014年5月22日颁布的0000 0086/ART/DG/DAJPC号决定为运营商电子通信服务的促销宣传规定了条件并做出安排，确定三个月为所有促销报价的最长时期，两次促销之间无

¹⁷ http://wftp3.itu.int/pub/epub_shared/TSB/2016-Integrated-mngnt/index.html#p=1。

¹⁸ http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2015/Consultation/BPG_2015_E.pdf。

论报价如何间隔不得少于两个月。此外，要求运营商在进行任何促销八天前将报价提交ART批准，尤其是资费，必须明确、全面、真实且一目了然。

在巴西，¹⁹ 国家电信管理局（ANATEL）通过2014年3月的第632号决议批准了有关电信服务消费者权益的一般性规则（RGC）。除其它方面，该规则旨在确保消费者更好地了解其权益并能在融合的环境中做出更加独立的选择。因此，服务提供商给出的新的促销可面对任何有兴趣的消费者，不论其是否为客户。而对于客户而言，他们必须了解，一旦提早取消合同，就将面临收费（RGC第46条）。另一个要求是，这些报价必须透明，服务提供商需要在消费者签订合同前向其提供包含有关该报价明确信息的简介，如价格、有效期和促销结束后的收费（RGC第50条）。

2.2.2 游戏和抽奖

在电子通信媒体的支持下，博彩业获得新生，提供这些游戏的运营商获益匪浅，而那些常常不明参与条件的消费者却苦不堪言。运营商组织的抽奖同样信息匮乏。消费者通过发送短信参与活动。如游戏要求在抽奖前回答一系列问题，游戏者对获奖的渴望促使其忽略了参与费用，因此每发送一条信息都需付费。

在喀麦隆，2014年电信管理局（ART）的一项决定对有关游戏的立法做出补充²⁰。为保护消费者并使之知情，该决定对游戏和促销做出时间限制。

2.2.3 主导消费者的崛起及其权益

“主导”是一个复杂的术语，综合了政治、经济和法律含义。该术语与具体区域、行业或产品相关，代表人、群体或组织的控制能力。主导机构可制定行业规则并确定具体产品或服务的范围、结构、质量水平、成本以及价格。²¹

根据经济法，在以卖方需求为主的经济时代，由于货物和服务的稀缺，主导市场的控制力掌握在卖方手中。而在买方经济时代，货物和服务的提供远远大于需求，制造商作为卖方丧失了作为控制市场核心力的定价能力。消费者则因采购力和选择的自由成为主导力量。

根据产品和服务的价值，全球信息通信行业的发展经历了五个主要阶段，即：

- 第一阶段 – 固定话音通信业务引领增长；
- 第二阶段 – 移动话音业务引领增长；
- 第三阶段 – 数据增值业务引领增长；
- 第四阶段 – 宽带网数据业务引领数据业务的增长；
- 第五阶段 – 各类互联网引领增长。

¹⁹ 1/35号文件，“有关电信服务消费者权益的一般性规则”，巴西联邦共和国。

²⁰ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

²¹ SG1RGQ/199号文件，“融合时代的消费者保护：用户主导权利不断提升”，中华人民共和国。

目前，多数国家和地区已进入发展的第四个阶段。该阶段的典型特征如下：城市和农村地区引入光宽带网络；3G和4G用户移动宽带增长加速；人口红利规模逐步消失，而数据红利则崭露头角。今天，多数发展中国家仍处于数据红利的第一阶段—数据流红利促增长阶段，一些发达经济体则已进入内容红利促增长的第二阶段。

行业或产品的主导权不断变更。追其根本就是价值的创造和分配在各市场力量之间的变更。在卖方经济环境中，供应商，特别是主导运营商可决定产品数量、服务质量、价格、交易条件和其它要素，产品的功能价值以及网络的连接价值成为价值的主要形态，因此价值分配权掌握在领先企业手中，而消费者只能被动地接受产品和服务贸易的条件。在买方经济环境中，消费者可轻而易举地挑选产品和服务，他们按照产品质量、价格以及送货时间和其它要素主导价值的分配权利。有时，消费者甚至可以通过以订单的方式参与生产并加入价值的创造。

从全球信息通信市场的发展角度看，市场主导力的转移发生在人口红利消失后的2012年左右。当时，光纤网络和3G移动宽带迅速普及，移动电话普及率在一些国家已超过90%，家庭宽带普及率亦达到80%。通信网容量和带宽不再稀缺，甚至在一些国家出现冗余。收入和利润的增长迅速下降。电信运营商不得不以更多的合作和能力挖掘拓展互联网服务。他们力图提高个人用户的ARPU并加大内容服务价值。

在4G服务投入使用后，移动互联网服务成为收入增长的引擎。用户主导权随着以下情况的发生日趋明了：

- **连接价值的下降。**当网络资源不再稀缺时，尽管管道价值依然存在，其边际回报日趋降低。用户花更多的钱购买数字内容和服务，而不是接入和连接。
- **用户入门的多样化。**过去，电话号码是用户与他人连接的主要途径，甚至是唯一入口。然而，电子邮件地址、即时通信号码、网页、微博账户和其它虚拟地址都可成为更多的选择。对于更加年轻的一代，这些在日常生活中的使用甚至超过了电话号码。
- **个性化。**采用同一技术标准和业务模式的传统产品的价值不再受到青睐。取而代之的则是终端、连接模式、入门、费率和其它要素的个性化。电信运营商和服务提供商在此领域积极打拼以加强品牌诚信度，提高客户价值。
- **供应方的分散。**在垂直模式下，一家企业可以提供一种产品和服务。在这种情况下，获得连接的企业可赢得主导权。在融合的环境中，许多产品和服务需要由多家供应方提供，如在线数字视频服务。他们需要网络运营商、平台提供商和视频内容创造商携手共进满足需求，因而阻碍运营商成为价值链的核心。
- **数字内容服务中制作和消费的整合。**最重要的变革发生在数字内容的制作和消费环节。宽带网和智能终端使用户获得轻而易举地制作内容的能力（UGC）。具有专业能力的一部分消费者可成为运营商和平台的内容合作伙伴。他们可以发布引人入胜的原创视频内容并同时消费其他人的内容，从而导致制作和消费的统一。消费者的多重身份有助于推动商业模式的变迁。内部交流、正向和反向收费的结合、不同用户之间的收费模式均可采用。
- **产品和服务不断创新。**单一可靠的产品或许有助于留住客户，但不足以提升价值。网络运营商和服务提供商正在打造和开拓面向潜在合作伙伴的商业平台，以便及时

满足用户的需求，缩短产品开发周期，通过迅速的更新换代实现产品和服务的创新。客户驱动的产品研发已成为主流。

2.3 商业模式和服务提供方式的变化如何影响消费者

2.3.1 主动提供的增值服务

这些服务可能包括等候音乐、撤销代码恢复、客户投诉、信息以及在试图解约时难以实现的自动续签。

应对这些挑战的措施或许包括：

- 国家监管机构为保护客户免受运营商滥用做法的影响而采取的措施。
- 在所用电信和ICT服务的提供中保障消费者保护的措施。

2.3.2 变化的商业模式和市场营销政策

随着竞争的加剧，电信行业正在快速走向更加整合的商业运作模式，从而实现促进创新，提高消费者忠诚度以及提升用户价值的目标。运营商之间的竞争已从简单的价格竞争发展成为品牌、服务和内容竞争，手段包括综合市场营销（下文简称CM），将各类不同服务打包并基于类型和比例提供折扣费率，如捆绑的移动电话、宽带、即时消息服务等。

在中华人民共和国，中国电信于2012年推出CM以便向最终用户提供三类服务：我的e家、商业导航和天翼。E6（固定加移动电话）、E8（固定加宽带）和E9（固定和移动电话加宽带）旨在利用我的e家品牌满足各类用户的需求。为加强用户体验，中国电信采取行动建立通过固定、3G和WiFi实现的统一接入，整合用户账户以便连接至任何屏幕和内容。Family One Plus套餐是一项面向家庭用户的综合服务方案。该方案以固定话音和宽带业务为核心，同时配合移动电话、视频电话、视频检查和家庭网关。FOP可分为三种类型：语音FOP（固定和移动电话）、在线FOP（固定宽带和移动电话）和无线FOP（固定和移动电话加宽带）。中国移动决定以不同形式的无线宽带进入CM，包括2G、3G、WiFi和LTE。此外，于2009年推出的IMS项目旨在现有移动、固定和互联网的基础上综合话音、图片、视频和文档。通过IMS，企业客户可得到电话、传真、数据转换、视频会议、呼叫中心和即时消息等功能。典型的产品被称为企业通信助手和综合VPMN。

为扩大CM的范围，更多新的服务捆绑在一起。IPTV和视频监测通常会选择与宽带和移动服务相结合。这些服务包计划满足家庭和企业用户的需求，如中国联通面向行业用户的宽带移动加Magic Eye套餐。

随着CM的扩大，基于单一服务的监管政策必须从范围到手段随之变化。因此，监管机构应与时俱进，以便重新制定新的监管政策。

为跟上市场竞争和服务提供的步伐，监管机构应提高能力并完善手段，特别应采取新的措施以调整CM产品。在中国，任何CM套餐必须在投放市场之前提交监管机构审查。对于SMP运营商，当有充足的证据表明服务有害竞争或消费者利益的情况下，监管机构甚至可以拒绝批准套餐。第二，运营商应允许自己的用户随其意愿从一类产品套餐

转换为另一类套餐。这些规定已实施五年，有效提高了消费者的满意度。第三，为证明QoS和用户体验，已建立了一些检测平台。2012年，工信部完成了国家互联网互连互通检查平台。2013年，为认证互联网接入的实际速度，新的平台投入使用。

电信监管机构还应与其它监管机构合作，因为，许多CM产品已超越了通信服务范围，如音乐、视频和卫生管理。为避免漏洞并提高效率，合作和/或联合监管成为必行之路。

2.4 个人隐私风险的提高

在语音服务时代，用户面临披露号码、位置和对话内容的风险。随着互联网和移动互联网的快速发展，消费者的行为与信息共享和活动的关系越来越密切。在此方面，个人信息通过个人计算机、智能电话和便携式平板电脑在互联网上被曝光的可能性越来越大。因此，隐私、财产和名誉等消费者权益可能出现滥用。

应解决如下问题：

- 1) 社交网络的影响：交流视频、图片和应用，以便强化图像。
- 2) 在iCloud备份以往聊天和媒体文件的应用以及对存储数据的使用、渗入个人生活/医疗机密的应用（信息的披露没有任何保证）。对于一些运营商提供的在无任何行医者身份信息，亦无防止腐败保证的情况下的医疗咨询，一旦出现事故，如何确定赔偿？
- 3) 签约用户身份问题、提前激活的SIM卡的销售、电话或互联网骗局。

在2012年至2013年间，中华人民共和国出现了若干企业丢失至少有成百万用户个人数据的事件。最近一起事件发生于2014年上半年，因黑客侵入快递公司信息系统，1400万客户的个人信息仅以1000元（160美元）通过互联网售出。这些事件不仅造成经济损失，同时动摇了消费者信心。

为有效保护电信和互联网用户的个人信息，监控网络犯罪活动并净化互联网环境，2012年以来，中国全国人大和政府部门密切合作，出台了一系列保护网络信息的法律法规。这些规定定义了网络信息的范围，相关各方的职责和不同部门的职能。为将其付诸实施，作为监管机构的信息和工业化部于2013年发布了《电信和互联网用户个人信息保护规定》和《电话用户真实身份信息登记规定》等细则。²²这些规章可有助于管理信息生成、收集、分享并从源头控制有害信息。

2013年4月，工信部发布了关于加强移动智能设备管理的通知。该规定侧重于APP平台上的服务。要求移动电话生产企业不得预置包含有害信息、暴露用户隐私并危害网络安全的软件。软件开发商应登记其产品并提供软件代码，用于测试。这些措施在保护公平竞争、用户知情权及确保个人隐私方面发挥了积极作用。

²² https://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2014/GSR14%20Contribution_China.pdf.

伪基站危害

伪基站（PBS）是由主引擎和笔记本组成的一种高科技手段。它以自身为中心通过对周边环境的搜索找到SIM卡信息。成功捕获后，它便可以伪装为任何人的手机号将垃圾短信发送到目标用户。在操作过程中，正常用户的移动电话不得不连接至PBS，而不是公众电信网，用户无移动网可用。

目前，调查和解决PBS的活动涵盖四个步骤：识别、定位、跟踪和捕获。电信运营商可利用网络分析手段和道路测试工具强化前两个步骤。跟踪和捕获工作取决于公安的能力和执法。PBS活动为完成研究、生产、销售、犯罪和利益分配需要一个行业价值链，因此，电信监管机构、运营商、公安机构和相关组织应并肩合作对PBS活动进行有效管理。与此同时，司法机构应采取积极措施以防止法律漏洞，同时加强对PBS活动的惩治（罚款），防范于未然。

为应对PBS，中国政府监管机构采取了更多行动（如附件4所示）。

2.5 号码滥用

ITU-T E.164建议书从技术方面对电话号码做出如下规定：

- 1) 最长为15位；
- 2) 是否支持开放拨号方案、封闭拨号方案或二者兼用，各国可采取不同方式；
- 3) 运营商最多通过对7位数字的分析以确定某个号码的路由和呼叫成本。

号码滥用是在违背号码分配机构的规定的前提下对电话号码的使用。这与号码欺诈不同。后者是对电话号码的正确使用，而目的则是欺诈呼叫相关各方。

因此，可能出现三种不同情形：

- 1) 号码滥用（分配或未分配的号码）；
- 2) 号码的欺诈使用（分配或未分配号码）；
- 3) 号码的滥用和欺诈性使用（分配或未分配号码）。

我们仅对号码滥用进行进一步分析。欺诈在许多国家是一个更宽泛的法律问题，问题的解决掌握在司法系统手中。

号码滥用指与计划不同的方式使用号码。滥用的实例包括使用未分配的号码，未经允许将号码部分用于创收，未经允许将号码终接于国外。致使A国提供用于B国的号码受到滥用的主要驱动力是A国国际入局呼叫终接费率高昂。因此，为什么会出现滥用情况呢？

通常，提供可使用号码的公司与国家号码方案管理机构（NNPA）毫无关系。相关公司声称对未获得的号码具有使用权并利用有关国家高昂的国际入局呼叫终接费率主动提出向这些号码的使用者出让收入。

这些公司之所以能够声称对号码的使用权是因为，在许多情况下，NNPA的环境缺乏对其所负责的资源的全面防范手段。这些手段对号码承担终身的责任并采取行动，从分配到撤销以及对号码使用和长度的变更。NNPA应能了解已分配的号码，已分配号码的用途（规定在国家电话号码方案（NTNP）中）、审计号段获得者的权利（确保所分配的号段合理，或按照NTNP得到使用），并能在一些情况下试图修正号码的使用（按照NTNP的修正案）、号码长度（防止耗尽），或最终撤销号码（因为不再使用、滥用、或号码分配的变更）。

号码滥用的另一种形式是短停。这种滥用指所拨叫的号码未达到所示目的地，因而未得到NTNP的允许。评估号码宣传公司和短停公司之间的关系以及任何可疑欺诈（即号码使用收入合法，但号码所属国家未得到收入的情况）不是本文稿的宗旨。在所有方式（接入、国际、经转等）中利用各种技术（电路和分组、固定和移动、卫星和地面）支持两种竞争的电话通常比以往更为复杂。随着基于成本的呼叫路由的迅速变化以及在拨叫中电话号码使用方式的变化，必须确保按照所拨号码的分析将号码路由至目的地并遵守运营商为呼叫寻找路由的商业关系。

在几内亚²³，2013年，电信/ICT行业采用并投入使用了新的号码方案。为高效分配资源，邮电监管机构（ARPT）实施了管理号码和号码段的程序。按照运营商的要求，ARPT授予的号码按1000000分段，每号码年费为750几内亚法郎（0.107美元）。号码段每次分配后，ARPT都会对这些号码段进行定期审计。为延长使用号码段，运营商必须按时并以正确的方式向ARPT提交详实的请求。ARPT之后将开展审计以确保按照相应的国际电联规则制定使用门限并确定号码。如未达到门限或分配的号码未用尽，ARPT将拟定拒收文件，发送给运营商。

调查回复已广为散发，附件3包含向ITU-D第6/1号课题2017年1月召开的报告人组会议介绍的回复详情。回复的共同之处是对资源管理的重视。电话号码资源得到不同利益攸关方的使用，因此满足了各种需求。运营商利用号码开展多种活动，包括计费 and 路由选择；监管机构使用这些号码促进竞争，而消费者则利用号码进行往来通信。在使用号码形成的相关货币价值链中，消费者是价值的创造者，他们有必要对电话号码自始至终保持一致和透明的理解。而这种理解随则着时间的流逝而变化。

通过管理和使用国家号码方案为消费者提供充足的保护举足轻重。监管机构和运营商应以用户为中心对待电话号码的变迁和相继使用情况，从而实现电话号码利益和价值的最大化。明确和统一有关号码分配和指配、电话号码的使用用途以及监管机构提供的电话号码关联信息有助于保护消费者。明确以消费者为中心的法律框架亦可帮助和加强消费者保护。这些立法可以通过电话获取的金融服务为例。

加大对电信的使用并通过移动货币等创新服务将此应用于弥合数字鸿沟和提高消费者的能力必须确保，号码的使用基于对号码的良好管理，而管理号码则基于明确而透明的原则。对调查的回复显示，在国家范围内实施这些规则体现了各国利用电话号码的方式，这些规则有助于保护消费者。

²³ 1/274号文件，“几内亚的号码方案”，几内亚共和国。

框1：号码滥用调查分析

2014年世界电信发展大会（WTDC-14）通过处理国际电话号码滥用问题一致形成第78号决议。为支持该决议，由多国参与的ITU-D第6/1号课题建议采取一项行动，向成员国发出问卷调查。在第6/1号课题修正后，这些问题发送至各成员国。本文就该通函的回复做出初步分析。

通函的制定旨在评定多少国家就电话号码的管理制定了国家规则。通函的进一步修订旨在评定SIM盒欺诈问题的程度。通函力图简短以确保成员国方便做出简单的回复。问卷调查表共收到40份回复，一些成员国通过不同提交方提交了多个回复。

问卷调查表提供的信息显示成员国对号码问题的积极态度。尽管情况各不相同，但国家号码都是受到管理的资源。这种管理旨在确保各国以及ITU-T了解各国的号码规划。各国号码方案内的资源范围评定未包含在回复中。

由于各国号码资源受到管理，滥用问题需要得到进一步考虑。早些时候提出的一个问题是各国现有的管理是否充足（从这种管理涉及的资源角度），监管机构或主管部门作为管理的组成部分有责任在号码资源的整个生命周期对号码进行全方位的管理。必须认识到，国家号码方案中，除电话号码和国际移动用户/服务标识码外，还包括多种号码资源。其它可涵盖在内的资源包括仅用于国内的电话号码和短号码、发行方标识码和国际信令点代码。

必须注意到，各成员国以本国的方式实施号码资源管理。这反映出国家号码资源管理的不同方式。在此情况下，应注意到，这类国家规则须解决一些一般性问题。

号码资源管理的一般性问题包括，如负责号码资源管理的实体是否进行年度审计，或这些审计是否允许进行。可包含在内的其它问题还包括，是否所有运营商都保留其分配的电话号码状态记录，是否有确保节约国家号码方案内号码资源的规则。在这些一般性问题的基础上可以提供初步指导。

此外，承认运营商为打击滥用而采取的行动亦是一项有效的手段，有必要得到进一步考虑。

对于已确定的问题，分析表明，目前的管理局限在国家层面。面对这一不言的事实有必要加以认识。

如何解决问题并在国家主权的原则上遵守《组织法》和《公约》，同时确保各国对号码的管理体现对利益攸关方及其需求的理解。

了解目前各国是否存在管理的一项初步行动是了解滥用中使用的哪些号码资源受到（或未受到）一般性原则的管理。例如，SIM盒欺诈有多少发生在购买SIM卡时少有或没有登记的情况？滥用号码的情况在多大程度上是因缺少规则或导则发生的？对于后一个问题，一些回复表明，遵守并执行这些规则有益于减少欺诈。

必须认识到，在许多情况下，总有出现滥用电话号码的可能，因为路由呼叫或对此收费所需要的分析要求低于全号码拨叫，如获得谁拥有使用号码权利的充足信心就可改善滥用情况。举例而言，能否让实体在选择号码路由时确定请求是否是由拥有权利的运营商发出的？

确保目前对国家号码资源的管理遵循良好的原则，且利益攸关方对其自身的作用和相互关系了如指掌将有助于滥用的减少。与此同时，还要确保所有利益攸关方拥有行使其职责的适当法律权利，了解为行驶职责而涉及的谁拥有使用权以及他们需采取的行动信息。

2.6 不同人群的需求：残疾人、女性和儿童

数字包容性意味着为所有人赋予能力，包括通过信息通信技术（ICT）满足人们的具体需求。从全局角度来看，针对一个人群的活动也会为其他人群带来积极影响。电信发展局开展的数字包容性活动旨在加强ICT无障碍获取并将ICT用于满足特殊需求人群的社会和经济发展需要，这些人们包括原住民和农村人口、残疾人、妇女和年轻女性以及青年和儿童。²⁴

男女平等问题通常侧重于就业、工资、家庭暴力和性犯罪。一些社交网络应用成为性犯罪的同谋。除其它方面，在线培训和社交媒体活动可成为女性面对性别歧视和其它挑战的有效手段。

儿童是我们的未来。然而，青年人在网络环境中尤其脆弱，儿童通过各种不同设备访问互联网。随着移动电话普及率的迅速飙升（包括可以提供上网能力的设备的增加），仅使用家中台式电脑上网的日子已一去不复返。无论身在何处，人们都可以相对便捷地访问和分享信息。移动电话和互联网服务在儿童中日益普及。我们的孩子都有可能使用智能电话、手提电脑、游戏机（任天堂DSi）、媒体播放机（iPod Touch）和平板电脑（如iPad）或更廉价的产品或二手产品。

儿童通常成为电信欺诈或性犯罪的受害者。为此特别需要保护儿童。视频或游戏服务中的有害内容是必须解决的突出问题。

一些专用智能手机通过设计，增加了GPS、Glonass、North Big Dipper和蜂窝辅助定位系统以及一键SOS功能，使家长能够对儿童予以监督。在中国，50美元就可买下360儿童表式安全电话（详情见图11）。

²⁴ <http://www.itu.int/en/ITU-D/Digital-Inclusion/Pages/default.aspx>。

图11：具有内置通信和定位功能的不同儿童表



巴迪龙儿童手表5
创新无极限，开启儿童手表新时代



360儿童手表3S
可以通话定位的彩屏智能手表



360儿童手表3
可以打电话防走失的定位手表

来源：360商场，<http://kids.360.com/>。

残疾人可大大得益于网络、手机和数字世界的视频服务，从而缩小了数字鸿沟。国际电联制定了一系列工具以帮助这类用户以合理的价格获得数字服务。²⁵许多成员国还开发了各种手段将针对运营商和服务提供商的具体要求包含在内，从而为残疾人获得电信/ICT提供便利。包括政策制定者、监管机构和服务提供商在内的国际电联成员亦在确保残疾人在其国家无障碍获取ICT和消除ICT无障碍获取壁垒方面大有可为。全球拥有某种残疾的人多达10亿，因此我们将致力于加强ICT的无障碍获取。电信发展局开展的各项活动旨在帮助国际电联成员更好地了解残疾人的无障碍获取需求、可用的技术方案以及他们为确保这些方案以可承受的价格得到普遍实施而采取的政策和规则。

此外，ITU-D第1研究组第7/1号课题2014-2017年研究期的报告²⁶探讨了ICT无障碍获取问题，研究：

- 1) 如何提高电信中心和公共付费电话等公共ICT空间的无障碍获取性？
- 2) 哪些公共采购要求（包括有关电信/ICT的商业最佳做法）应适用于残疾人？
- 3) 无障碍移动电话有哪些要求？
- 4) 无障碍电视和视频节目有哪些要求？
- 5) 无障碍上网有哪些要求？
- 6) 在阅读和书写方面存在困难的人员如何使用无障碍获取工具？
- 7) 已经实施了哪些无障碍获取最佳做法、政策和项目？
- 8) 全球ICT市场中已有哪些商业解决方案？
- 9) 可确定哪些潜在的实际应用来推动无障碍获取电子教育？

²⁵ <http://www.itu.int/en/ITU-D/Digital-Inclusion/Pages/default.aspx>。

²⁶ 第7/1号课题报告“残疾人和有具体需求人群对电信/ICT服务的获取”，见：<http://www.itu.int/md/D14-SG01-C-0482/>。

网络无障碍获取被定义为为满足具有各种各样无障碍获取需求人群的要求利用多种技术设计的无障碍网站。无障碍网站的一个关键特性是使用文字描述包含在图片中的信息。这些案文被称为替代文本，对于使用屏幕阅读器访问网站以了解图像中包含的信息的残疾人而言必不可少。被称为万维网内容无障碍获取准则2.0的国际万维网无障碍获取标准的四个关键原则包括：可感知、可操作、可理解、稳健。**国际电联ICT无障碍获取政策范本报告**亦包含旨在帮助各国政策制定者和监管机构创建其本国ICT无障碍获取政策框架的最佳做法和实用手段。²⁷

在**土耳其**，Bogazici大学和土耳其电信共同创建了土耳其首家电话图书馆。Bogazici大学内为视障者提供的辅助性技术和教育实验室（土文简称GETEM）是由该大学残疾人中心运营的，得到Bogazici大学和外部捐赠者的支持。GETEM自2006年以来一直为大学残疾学生免费提供辅助性技术服务并免费为土耳其视障者提供在线数字图书馆服务。

数字图书馆项目旨在服务于400 000视障者和其他残疾人员，包括土耳其脑瘫患者和具有阅读障碍的人群。数字图书馆项目中的服务也涉及土耳其各市政府、非政府组织和大学。数字图书馆包括土文和英文资料。²⁸除故事、小说和诗歌外，包括书籍、文章、课堂笔记和教科书、大会录音在内的教学资料也通过数字手段提供。这些资料采用自然人生和计算机声音制作。此外，可以使用专用程序聆听这些资料并采用盲文显示终端将计算机屏幕上的电子文本同步转化成为盲文。

土耳其电信的视障客户在加入GETEM之后将收到密码，由此可以免费获得音频书籍。只有通过家庭电话才能获得的电话书籍项目使用者享受多种选择，包括挑选自己的书籍，在下次呼叫中恢复原有会话和向前或向后跳过不同章节。通过仍作为Bogazici大学组成部分的GETEM网站www.getem.boun.edu.tr注册的视障者可以通过互联网免费聆听数千本音频书籍。无法获得计算机和互联网的视障者可通过电话书籍项目享用音频书籍。除此之外，该项目发起了一场社会志愿行动，很多国家名流和知名人士通过亲自朗读书籍和录制材料为该项目做出自己的贡献，从而为视障公民提供服务。

联邦通信和广播法首次在**墨西哥**确定了残疾用户的通信权利。这一法律框架使墨西哥联邦电信机构（IFT）获得发布相关准则的职责。根据该职责，初步草案已于2015年8月14日至9月25日期间提交公众磋商。²⁹

2.7 监管机构的资源和能力

当前的互联智慧社会为监管机构和政策制定机构带来了本地和全球层面的更为复杂的联网环境，在这种环境中，各行业各部门之间的协作是取得智慧互联社会成功的关键。在数字融合世界中，监管机构面临着新的产品、服务、参与方、商业模式、用户喜好和价格工具。传统监管手段不再有效，因此，实现竞争格局的平衡更具挑战性。为了保护消费者，电信监管机构必须与政府其它机构携手努力，因为服务由运营商提供，但用户体验和满意度却取决于诸如电子商务、移动支付和在线视频提供商提供的服务。信息通信技术与其它行业的互动与日俱增，这意味着，信息通信技术行业参与方在越来越

²⁷ <http://www.itu.int/en/ITU-D/Digital-Inclusion/Persons-with-Disabilities/Pages/ITU%20publications%20and%20online%20resources.aspx>。

²⁸ http://www.youtube.com/watch?v=peUkdbWx3_w。

²⁹ SG1RGQ/123号文件，“墨西哥为使用户得益于电信服务采取的行动”，墨西哥。

多地与非传统信息通信技术参与方合作。学校、政府、卫生部门的连接以及数字金融包容性的实现都需要接入信息通信技术/电信网络并获取相关服务。电信市场开放程度影响着其它部门，因为在市场上施加限制将会抑制竞争、抬高价格、降低服务质量并制约所需的连接方案。然而，数字社会固有的互连本性意味着政府和行业运营机构以及各部门的监管机构之间须相互协作，以有效应对联网通信流动带来的问题。³⁰

监管机构在资源和能力方面之所以面临挑战是因为：

- 缺乏适当法律和规则，或这些法律和规则不适应融合环境。
- 监管目标除促进竞争和保护消费者利益外，正在变得更加复杂和繁复多样。
- 包括量化手段在内的监管手段不足以解决现今的经济冲突。
- 跨行业竞争导致出现更复杂的商业模式和多利益攸关方的参与。
- 由于预算短缺且人力不足，监管机构的能力发展缓慢。
- 包括国际投资和贸易在内的跨境服务要求进行更加密切的国际合作。
- 监管机构和政策制定机构必须确立与诸如卫生、金融、教育、能源等行业进行协同监管的基础以及相关平台和机制。

为了应对上述挑战，相关国际组织和监管机构正在做出极大努力，重建监管框架，不仅在转变思维和理念，而且正在确立新的规则和机构，其中最为突出的是独立融合监管机构。

在印度和法国等一些国家（见图12和图13），监管机构的职责已扩大到广播、统一许可和绿色发展领域。

³⁰ http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/ITU_BuildingBlocksReg_GSR16.pdf。

图12：印度电信监管机构的主要职责



来源：印度电信监管机构（TRAI）官方网站³¹

图13：法国ARCEP组织结构图，2016年



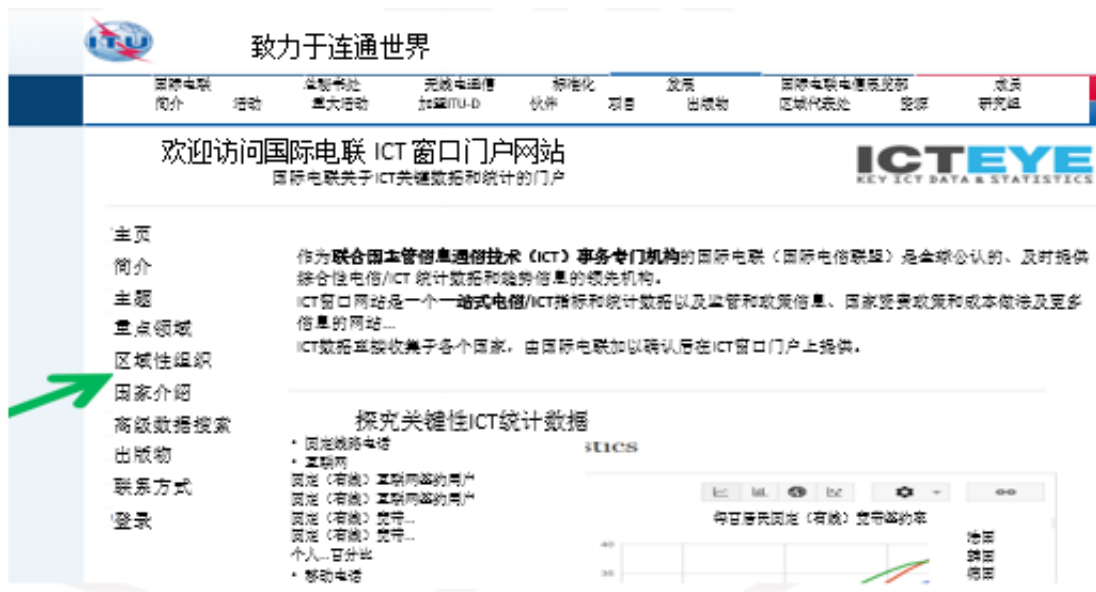
来源：法国ARCEP官方网站³²

为了开发能力，知识交流手段也必不可少，国际电联已确立了一系列手段来帮助成员国分析其市场并在不同国家之间做出比较。国际电联还组织多种相关讲习班和研讨会，为发展中国家和最不发达国家（LDC）提供能力建设并使其了解全球趋势。图14和图15以示例说明这类手段。

³¹ 来源：<http://www.trai.gov.in/>。

³² 来源：<http://www.arcep.fr/>。

图14：国际电联有关市场发展的ICT窗口门户网站



来源：国际电联官方网站，2016年。

图15：电信发展局有关监管的研究报告和工具

ICT监管跟踪工具

50项指标

11年

157个国家

87%

成为人口移动到宽带

国际电联/电信发展局报告

2015年电信改革趋势：为迎接数字经济的到来做好准备

www.itu.int/en/ITU-D/Regulatory-Market/Pages/Regulatory-Publications.aspx

2013-2015年监管、经济和金融报告：

- 对电信服务价格进行基本衡量的实用指南
- 国际移动漫游业务的监管分析
- 国际电联有关国际移动漫游业务的报告：促进竞争并保护用户
- 融合宽带世界的竞争和监管
- 国际电联有关电信/信息通信技术服务税收研究：概述
- 在宽带环境中部署下一代网络（NGN）和NGA的战略 - 监管和经济方面问题
- 国家宽带网络环境中的互连收费模式

来源：国际电联官方网站，2016年

3 第3章 – 电信消费者权利的制度框架

3.1 立法和规则：国家层面的做法

电信服务客户的保护是以法律文本为依据的。在国际层面，这种保护见诸于联合国确定的消费者保护指导原则（PDPC）之中，此方面的国家立法受到各国具体国情和技术演进程度的极大影响。从相关国家提供的有关该领域做法的文稿中可以总体推断出，在若干国家之间，其某些做法和具体的ICT消费者保护惯例十分相像。

3.1.1 国家层面立法和规则综述

在应用国家消费者保护相关规则和立法的做法上往往是采取确保有效保护消费者权利的措施。一些措施包括老牌电信运营商须履行的义务以及管理投诉的机制。

例如，在**喀麦隆**³³，为了保护消费者权利，要求运营商针对下列方面采取适当措施：

- 保护隐私；
- 安全；
- 服务质量、资费和电子通信收费的相关信息。

还建立了国家消费者委员会以及部委一级的上述委员会，确保消费者利益被损害时得到补偿，并针对侵犯消费者权益问题实施制裁。

在诸如**刚果民主共和国**³⁴的一些国家，虽然尚不存在有关ICT消费者保护的具体法律，但在运营商职责范围内包含了消费者保护的监管框架，这一框架条款以指导原则形式规定了消费者保护义务，而消费者保护分为两类：技术保护和商业保护。

在**印度**³⁵这些措施以涉及保护消费者的规则形式以及司法补救体制出现，后者的领域包括推介性商业通信、服务质量和移动号码便携。

在**沙特阿拉伯**³⁶，在投诉管理方面，国家通过迫使运营商落实明确无误的具体投诉处理程序保障消费者的权利得到保护。

为了保护ICT用户的个人数据，**越南**³⁷正在详细制定凸显保护消费者个人数据的消费者自身职责的法律文本。个人信息的自我保护是消费者的职责，在其将个人信息在线分享时，这一职责必不可少。在**津巴布韦**³⁸，不存在具体的有关电信服务消费者的法律，但存在总体消费者保护规则。在制定有关此领域的具体立法之前，已提出详细制定包容性消费者保护立法的建议：

³³ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

³⁴ SG1RGQ/22号文件，“刚果民主共和国有关ICT消费者保护监管政策的经验”，刚果民主共和国。

³⁵ SG1RGQ/46号文件，印度共和国。

³⁶ 1/216号文件，“申请人/用户保护”，沙特阿拉伯。

³⁷ 1/197号文件，“电信消费者保护状况 – 明确规则的必要性”，越南社会主义共和国。

³⁸ 1/230号文件，“消费者保护：津巴布韦的经验”，津巴布韦共和国。

- 在制定消费者保护法律过程中，各国应在社会各方面开展广泛协商。
- 诸如消费者保护委员会等公共消费者保护实体应由不同组织的成员以及在消费者权益保护方面积极开展活动的机构成员组成。
- 为了行之有效，ICT消费者保护法应广泛地植根于现有的消费者保护立法之中。
- 应建立处理消费者诉讼的特别法庭，以避免传统法律渠道对案件处理的停滞不前。

巴西³⁹已通过了有关电信服务消费者权益（RGC）的新的一般性规则。该立法的条款强化了自动取消、掉线呼叫自动回呼、预付费金额最低有效期、促销以及加大透明度和处理发票投诉方面的消费者保护。

3.1.2 创新性消费者保护立法和规则

在中国⁴⁰，为确保保护个人信息，中国人大和政府于2012年颁布了一系列有关保护互联网数据的法律和规则 – 标题为“关于保护电信和互联网用户的个人信息的规则和关于电信用户实名登记的规则”。这些法律规定，智能移动电话运营商不得预先在智能电话上安装任何暴露用户个人生活且影响互联网安全的危险软件。此外，应用开发商必须对其产品进行登记并提供预测测试所需的代码。

在冈比亚⁴¹，为了应对互联网服务的迅速发展以及儿童上网的趋势，政府正在着手制定一项有关保护儿童免受网络空间黑暗面影响的法律。该项旨在综合保护儿童对互联网的使用的法律重点是合法、技术、组织和程序方面问题，同时凸显在打击网络犯罪过程中应加强技能并开展国际合作。

3.2 多种不同组织及其职能

3.2.1 国际组织

消费者保护组织是消费者权益倡导机构，旨在保护人们免受公司虐待，如不安全产品、掠夺性贷款、虚假广告、制造虚假影响（astroturfing）和污染。消费者保护组织的运行方式可以是抗议、诉讼、宣传或游说。他们可以就单一问题做出倡导（如，英国真实麦芽酒活动（CAMRA），他们通过活动反对制造桶装啤酒，支持生产木桶麦芽酒），亦或消费者保护组织本身也可成为更加一般性的消费者保护监督机构，如英国的消费者协会。

提供有益消费者信息的一种常用手段是独立比较调查或产品和服务测试，涉及到不同制造商或公司。消费者保护组织活动的另一个领域是食品安全领域。该领域的活动需求难以由传统方法予以满足，因为科学、饮食或医疗证据通常比其他领域的证据更为复杂（如白色家电的电器安全性）。发达国家现有的强制性标签标准在一定程度上由消费者集团进行的游说形成。

³⁹ 1/35号文件，“有关电信服务消费者权益的一般性规则”，巴西联邦共和国。

⁴⁰ 1/52号文件，“电信消费者领域的近期进展”，中华人民共和国。

⁴¹ 1/133号文件，“在最不发达国家开展保护上网儿童举措的案例”，冈比亚共和国。

消费者保护组织的目标可以是确立并试图落实消费者的权利。仅通过以坏的宣传相威胁亦开展了有效工作，使公司重点关注消费者的观点。消费者保护组织可通过较为直接的行动，如创建和/或传播市场信息并禁止某些具体行为或做法，或促进直接或间接影响消费者的市场竞争（如交通、电力、通信等领域）来为消费者的权益服务。⁴²

图16：标准化工作中欧洲消费者的声音



ANEC（欧洲标准化工作消费者代表协调协会）

ANEC（欧洲标准化工作消费者代表协调协会）代表欧洲消费者在标准工作中发出声音，在创建技术标准，尤其是支持落实欧洲法律和公共政策的技术标准方面代表了消费者的权益。“我们为您所做工作”宣传册或“60秒钟了解ANEC”活页传单介绍ANEC及其在标准化工作中的作用。

ANEC是按照比利时法律成立的一家非盈利国际协会，中央秘书处设在比利时布鲁塞尔。该协会已得到欧洲委员会和欧洲自由贸易协会（EFTA）的认可，是欧洲消费者咨询小组（ECCG）的成员以及欧盟若干咨询委员会和诸多专家组的成员。ANEC已签署了欧洲透明度登记簿（507800799-30）并遵守其《行为操守》。ANEC主要通过其自愿专家参与由欧盟和EFTA认可的三家欧洲标准化组织（ESO）的标准制定工作：

- 欧洲标准化委员会（CEN）（www.cen.eu）；
- 欧洲电工标准化委员会（CENELEC）（www.cenelec.eu）；
- 欧洲电信标准学会（ETSI）（www.etsi.org）。

ANEC还参加制定标准的其它机构工作，这些标准的使用直接或间接影响到欧洲消费者，其中包括国际标准化组织（ISO）、国际电工技术委员会（IEC）以及联合国欧洲经济委员会（UNECE），ANEC对后者的参与是通过UNECE儿童约束系统GRSP非正式小组中的消费者国际总体框架下的参与。ANEC共参加155个欧洲技术机构和国际标准组织的活动。

ANEC还十分关注标准应用，包括市场监控和标准实施，资格认证和一致性评估方案。同时该协会试图在涉及产品和服务的欧洲立法 – 可能影响到消费者，特别是在提到标准时 – 制定或修订中施加影响。

在欧洲标准化工作中代表消费者被视作是一种公益活动，因此，ANEC的资金源自欧盟（95%）和EFTA（5%） – 符合欧盟1025/2012号规则的“附件三组织”。2015年，ANEC的总预算为132万欧元，自愿专家对协会的参与被欧洲委员会和EFTA秘书处视为是实物贡献。2007年，ANEC秘书处计算的该贡献价值为26万欧元，而其估算价值应至少为35万欧元。据ANEC报告，2013年，标准化为消费者解决的问题超过了互操作性问题，且可以：

- 1) 增强对消费者的保护并减少事故风险；

⁴² https://en.wikipedia.org/wiki/Consumer_organization。

- 2) 帮助促进保护环境和增强可持续性；
- 3) 使服务质量更加均衡一致；
- 4) 确保各年龄段和具有各种不同能力的人们都能平等获得产品和服务；
- 5) 为数字时代和信息社会奠定基础。

BEUC（欧洲消费者组织）

图17：欧洲消费者组织（BEUC）



BEUC于1962年3月6日由比利时、卢森堡、法国、荷兰、意大利和德国的消费者保护组织设立。在共同合作若干年之后，这些组织决定创建总部设在布鲁塞尔的一家欧洲协会。BEUC在布鲁塞尔作为综合组代其成员行事，其主要任务是在欧洲层面代表其成员，并维护欧洲所有消费者的权益。BEUC是第一家在欧洲首都设立总部的游说组织之一，因此可谓先锋协会，目的是对决策进程施加影响。之后，许多其他组织予以效仿，使得游说组织数量成爆炸式增长，达到了现今的15,000多家。BEUC对欧盟可能影响消费者的决定和最新发展情况做出调查研究，重点关注其成员确定的五个优先领域：金融服务、食品、数字权利、消费者权利和实施及可持续性。

如同欧盟本身一样，BEUC成员不断扩大，目前其成员包括来自31个欧洲国家（欧盟、欧洲经济区（EEA）和申请国家）的43个极其受人尊重的独立国家消费者组织。由于其成员组织具备集体技能、知识和专业技术，因此，BEUC被决策机构和反对者公认为值得信赖的代表。

该协会的使命是汇聚欧盟及欧洲其它国家的消费者组织，以便在欧盟机构和其它机构制定和实施欧盟政策过程中，促进、捍卫和代表欧洲消费者的权益。

BEUC支持通过竞争性市场 – 辅之以健康和安全的保障机制 – 赋予消费者权能。其目的是保证在欧盟市场上仅提供安全的、不会影响到人民健康以及子孙后代或环境的产品和服务。如果无法赋予消费者权能，则必须通过监管措施保护消费者的经济和合法权益，这对于弱势消费者尤其至关重要。

ICRT（国际消费者研究与测试）

图18：国际消费者研究与测试（ICRT）



ICRT是由40多家消费者保护组织组成的全球联盟，致力于就消费者权益保护开展联合研究和测试。ICRT的主要目标是促进成员之间的合作，并推动消费者产品和服务领域

的研究与测试。ICRT成员通过项目持续就多种受欢迎的消费者产品进行合作测试，如数字相机、移动电话、电视机、汽车、洗衣机、洗碗机、吸尘器和灯泡。此外，还就各种其它消费者产品，如抗皱霜和运动鞋等进行诸多小型协作式测试。

对消费者组织而言，安全是始终不变的关注主题。ICRT成员在促进改善消费者产品安全标准方面发挥了至关重要的作用。ICRT还推进成员之间在食品、卫生、环境和金融服务等领域开展信息交流和测试。

ICRT所有成员组织都以消费者权益为唯一行动宗旨，不接受任何广告且不依附于任何商业、工业和政党。成员组织包含世界最大的消费者组织（组织成员在20万至700万之间），也包括人数不足1万的小型组织。

该组织的使命是成为世界领先组织，能够赋予其成员权能，为世界范围的消费者提供高质量和独立信息。ICRT通过下列工作完成其使命：

- 通过开展国际联合测试和研究方面的合作，提高成本效益；
- 利用业已成熟的规则和导则，为联合测试提供综合性法律框架；
- 制定统一测试项目和评估方法；
- 通过能力建设和知识共享项目帮助小型组织发展壮大。

除上述组织外，联合国的许多机构也在负责处理与消费者保护问题相关的事务，其中包括世界卫生组织（WHO）、联合国开发计划署（UNDP）、联合国教科文组织（UNESCO）、联合国工业发展组织（UNIDO）、联合国儿童基金会（UNICEF）以及经社理事会下的妇女地位委员会。

非洲ICT消费者网络（RéCATIC）/（AICN）

图19：非洲ICT消费者网络（RéCATIC）/（AICN）



非洲信息通信技术消费者网络（AICN）（RéCATIC）创立于2008年，成员包括非洲大陆的20个消费者协会，其目的是就相关需求做出倡导并创建必要机制，帮助非洲国家审视并在其国家电信法律中纳入消费者权益内容。

目的是创建一个区域和国际倡导机构，协助区域性机构推动在国家电信和ICT法律中将联合国大会1985年4月9日通过的第39/248号决议所体现的消费者保护导则中的八项(8)消费者权利包含在内，以解决消费者在下列方面遇到的问题：

- 电信和ICT服务的价格及不同地理区域的获取性；

- 电信和ICT服务定价的透明度；
- 个人数据安全性；
- 保护上网儿童；
- 消费者投诉解决；
- 基础设施污染；
- 为消费者提供信息并对其进行教育，以更好地使用电信和ICT服务。

RéCATIC还努力实现下列目标：

- 通过加强成员协会的能力使得本地区的消费者运动专业化；
- 促进制定并统一规范非洲国家电信业务提供和收费的监管；
- 通过在各国家、区域和非洲大陆层面实施满足消费者需求的项目，努力确保非洲53国消费者得到有效和高效的保护；
- 为非洲大陆建立和提供有效的ICT消费者保护机制和工具；
- 提高消费者有关其作为消费者所享受权利及所承担义务的认识；
- 为制定并落实旨在促进普遍接入的各项政策贡献力量；
- 与专门从事电信行业的所有区域和国际组织，尤其是非洲电信联盟（ATU）和国际电信联盟（ITU）开展协作和合作。

3.2.2 国内组织

ICT专业实体

消费者保护组织是消费者权益倡导机构，旨在保护人们免受公司虐待，如不安全产品、掠夺性贷款、虚假广告、制造虚假影响（astroturfing）和污染。消费者保护组织的目标可以是确立和试图落实消费者的权利。然而，仅仅通过以坏的宣传相威胁就能够有效使公司重点关注消费者的观点。

提供有益消费者信息的一种常用手段是独立比较调查或产品和服务测试，涉及到不同制造商或公司。

消费者保护组织可通过较为直接的行动，如创建和/或传播市场信息并禁止某些具体行为或做法，或促进直接或间接影响消费者的市场竞争（如交通、电力、通信等领域）来为消费者提供权益服务。

消费者保护组织的运行方式可以是抗议、诉讼、宣传或游说。他们可以就单一问题做出倡导（如英国真实麦芽酒活动（CAMRA），他们通过活动反对制造桶装啤酒，支持生产木桶麦芽酒），亦或消费者保护组织本身也可成为更加一般性的消费者保护监督机构，如英国的消费者协会消费者协会。包括电信/ICT行业的一些专门组织也开展消费者保护活动。

在**喀麦隆**，电信监管机构代表国家负责监管和监督电信/ICT行业运营商活动。通过2010年12月21日有关喀麦隆电子通信的第2010/012号法案成立的该监管机构还负责确保保护消费者，消费者既是设立该监管机构的理由所在，也是所述经济活动的受益人。在实施内部立法文本所规定任务的方法方面以及监管机构的决定和指令方面，都完全符合联合国确立的一般性原则，即，保护、满意、平等和参与⁴³。

巴西则通过2014年3月的第632号决议成立了国家电信管理局（ANATEL），该管理局已批准了有关电信服务消费者权益保护的总规则（RGC）。之所以通过这些总规则是因为不断收到消费者的投诉，同时也为了赋予消费者权能，并通过单一一份决议将涉及固定和移动电话、电视以及广播的规则条款予以统一。此外，为了刺激市场的竞争并推动平衡性，小型运营商的义务并非十分繁重。2014年1月31日，ANATEL设立了新的专门为其客户服务的网络：www.anatel.gov.br/consumidor。⁴⁴

在**中华人民共和国**，工业和信息化部（前信息产业部）于1999年成立了一家名为“国家电信用户委员会”（NCTU）的社会性组织。正如该委员会的规则所规定，委员会的目的是确保不断改进电信服务质量—优先关注用户，且为了保护用户权益，委员会必须收集有关监管的意见和建议，特别是针对电信服务监督的意见和建议，同时保持与电信运营商的密切联系，并就如何改进电信服务提供建议和意见。委员会希望通过这些工作，在人们对电信服务的需求与日俱增的情况下，提高服务质量。NCTU由“代表大会”规管，后者的代表由电信行业组织推荐选举，任期为三年，作为最高决策机构的代表大会选举并任命常务委员。在代表大会休会期间，执行局可代理前者行事，代表前者做出重大决定。日常工作由隶属于国家监管机构服务分支机构的秘书处进行⁴⁵。

在**印度**⁴⁶，印度电信管理局（TRAI）负责确立由服务提供商所提供服务质量的标准、监督这些服务质量标准的遵守情况并为保护消费者权益，定期对相关服务进行审计。

广义消费者保护组织

一些国家并不设有ICT行业监管的专业实体。例如，在**越南**⁴⁷，ICT消费者保护由越南竞争管理委员会（受工业和商业部监督）负责。与此同时，越南标准和消费者协会这一社会性、自愿、专业和非赢利组织开展标准、质量和消费者权益保护方面的工作。

在**津巴布韦**，消费者保护委员会具有总体维护消费者权益的广泛职权⁴⁸。

3.2.3 非政府组织

国际消费者协会（CI）是一独立的全球消费者权益机构。由120个国家的240多个成员组织构成的CI，可被视作是强有力的有助于向世界各地消费者提供保护和权利的国际消费者运动。当今数字世界中的消费者非常依赖于诸如互联网等通信网络，且接入可跨网络共享知识的能力也必不可少。消费者运动在确保这些网络的正常以及通过这些网络所进行的交流是方便获取的、价格可承受的、可靠的和安全的方面发挥着重要作用。

⁴³ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

⁴⁴ 1/35号文件，“有关电信服务消费者权益的一般性规则”，巴西联邦共和国。

⁴⁵ 1/88号文件，“国家电信用户委员会为改善电信服务有效开展工作”，中华人民共和国。

⁴⁶ SG1RGQ/46号文件，印度共和国。

⁴⁷ 1/197号文件，“电信消费者保护状况—明确规则的必要性”，越南社会主义共和国。

⁴⁸ 1/230号文件，“消费者保护：津巴布韦的经验”，津巴布韦共和国。

“新兴经济体消费者数据保护项目”旨在改善巴西、中华人民共和国和德国在消费者数据保护领域的合作条件，这涉及到800,000,000人的数据保护--超出全世界范围内三分之一的互联网用户⁴⁹。

对当今消费者的生活而言，互联网接入已是必不可少，而且将在发达国家和发展中国家都会更加重要。国际消费者协会（CI）出台了一项为期两年的、称作“使宽带服务提供商承担责任的活动”，目的是对世界范围内的消费者组织进行赋能，以要求获得更加平等和方便获取的宽带服务、尊重消费者权利和更广泛的人权，从而以此作为实现具有社会包容性的信息社会的必要条件。⁵⁰

国际消费者协会过去在宽带方面开展的工作包括宽带披露说明，鼓励消费者要求互联网服务提供商（ISP）为之提供后者所提供服务的明确无误说明，以便消费者可以与其它提供商提供的服务和产品做出比较。“请别将我锁定！”则就如何阻止ISP通过不灵活的合同或绑定手段将之长期予以锁定给出建议和意见。“宽带提供商承担责任：消费者倡导手册”含有类似问题。

3.2.4 消费者网络

在**喀麦隆**，相关统计数据表明，共有约20家消费者权益保护协会，多数为一般性协会，仅有一小部分似乎专门处理与电子通信和ICT有关的问题。其中一些协会缺乏内部组织，因此对其有效性带来了负面影响。这些集团如果要能够更好地教育消费者并反映消费者的关切，则需要得到更好的组织，改善结构并加强培训。监管机构已就此组织了提高意识研讨会，前者的作用是在确保消费者满意的同时推进运营商的工作，但不向维护其权利的组织提供经济支持。⁵¹

在**刚果民主共和国**，本行业参与方在总体上积极确保保护消费者，以下参与方尤其如此：

- **UDECOCOM**：刚果消费者权利保护联盟，其职责是总体在商品和服务方面保护消费者。
- **UCST**：电信服务消费者保护联盟与上述联盟相反，该联盟更是具体针对行业的，其活动范围限于电信服务消费者。

在实际工作中，这两个协会在所进行的领域既不活跃也不有效。他们试图在消费者权益保护方面产生影响。由于缺乏应有的组织结构，因此，他们还没有与在ICT消费者保护方面积极开展工作的任何国际组织（如RéCATIC）有过联系。⁵²

⁴⁹ <https://www.giz.de/en/worldwide/32176.html>。

⁵⁰ <http://www.consumersinternational.org/our-work/digital/key-projects/broadband/>。

⁵¹ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

⁵² SG1RGQ/22号文件，“刚果民主共和国有关ICT消费者保护监管政策的经验”，刚果民主共和国。

3.3 机制：机制的工作方式及结果

3.3.1 监管机构与消费者网络的伙伴关系

ICT行业组织在完成其保护消费者权益使命过程中，可依赖若干战略。

印度存在多家不同消费者保护机构，他们依据下列方法和战略开展活动：

- 提高消费者的意识并对其进行教育；
- 建立消费者网络和自我帮助集团。

许多在TRAI那里注册的消费者保护集团将投诉转呈所涉服务提供商的投诉部门处，并参与对投诉的处理。⁵³

贝宁⁵⁴的一项有关国家监管机构与消费者协会协作机制的案例研究表明，自2010年起，负责电子通信和邮政监管的管理局（贝宁ARCEP）与一个由八家伙伴消费者协会（PCA）组成的平台建立了伙伴关系。为鼓励这些PCA承诺在行业发展方面发挥其应有的作用，已确立了协作框架，并建立了双赢伙伴关系。按照贝宁ARCEP与PCA之间签署的框架伙伴关系协议，后者已提交了若干不同项目，以得到监管机构的批准和资金。在这方面，已为每一协会提供了500万CFAF的封顶资金，用以落实共同关心的项目。2015年，这一工作已结出了令人鼓舞的硕果，从而使得该PCA/监管机构伙伴关系在2016年得以继续，以便在全国改善ICT产品和服务方面的消费者信息，并提高意识。这是贝宁的一项持续不断的事业，有必要通过在其他方面采取的类似措施进行分享，以使其得到改善。

3.3.2 成立地区消费者权利保护的监管办事处

ICT监管机构为了实现更加及时地对ICT消费者权利保护问题做出响应的期望，目前正在进行权利下放，以便更加贴近消费者。

印度的情况便是如此。在印度，TRAI已在全国成立了五家地区消费者保护办事处⁵⁵。通过这些办事处，监管机构开展向消费者进行宣传的活动，并在全国各地举行研讨会和讲习班，以推进消费者与服务提供商之间的互动。地区办事处帮助消费者找出并了解TRAI制定和发布的各种不同规则，具体涉及服务质量、移动号码便携性、推介性推销信息、权利和减价等等。这些办事处还直接促进服务提供商、消费者与其它不同利益攸关方之间的互动，以便他们能够就不同方案（如提出投诉的方案）在公开论坛进行讨论，同时也处理与消费者保护有关的其它问题。这种互动还有助于确保直接得到所有利益攸关方的反馈。

3.3.3 国家管理机构从电信/ICT服务消费者利益出发采取的经济和财务措施

印度在消费者权益保护方面大力致力于确保遵守涉及ICT行业的法律法律。在此方面，TRAI通过其地区办事处以及独立机构，进行审计，以确定服务质量以及计量和计费

⁵³ SG1RGQ/46号文件，印度共和国。

⁵⁴ SG1RGQ/73号文件，“监管机构与消费者协会之间的协作：贝宁案例”，贝宁共和国。

⁵⁵ SG1RGQ/46号文件，印度共和国。

系统的可靠性。服务提供商如果不能满足服务质量或计费透明性方面的标准，或不遵守法律法规规定的处理投诉和修复故障等的时限，则会受到经济惩罚。⁵⁶

3.3.4 消费者投诉管理系统

在科特迪瓦（1/41号文件－“客户服务外包：呼叫中心对消费者投诉客服权利的影响”），呼叫中心专家的出现为运营商带来了真正的机遇。呼叫中心采用的技术有助于实现客户关系管理（CRM）虚拟化。由于进行外包，因此，电话公司不再能够掌控他们的CRM。由技术和系统带来的这种现象可能危胁到消费者的权益，特别是消费者向运营商客户服务部门提出投诉的权益。

在运营商无法在两周时间内处理客户投诉时，该问题就会更加严峻。这种迟缓处理的原因可能是运营商在对投诉做出反应时须先检查其提供商（呼叫中心）提供的数据。

扭转这一局面的措施包括：

- 为了更好地保护消费者，运营商应在其与用户的合同中具体表明，客户关系由呼叫中心处理；
- 应强制性规定专门提供客户投诉服务，与法律方面相分离，后者并非是消费者始终希望针对运营商采取的方式；
- 吸纳客户签约时不应仅以必不可少的营销要素为基础，还应考虑到消费者权益保护；
- 监管机构应对运营商在外包服务时无视其职责范围所规定义务的倾向保持警惕；
- 运营商的职责范围应规定一些特定领域是他们不得通过第三方服务（外包）来履行其义务的。

3.3.5 旨在保护消费者权利的消费者网络所获结果不佳的原因所在

在ICT领域，消费者网络面临若干使他们无法实现自身目标的困难。同若干其它国家一样，刚果民主共和国提出了若干相关协会工作收效甚微的理由所在⁵⁷。其中包括：

- 缺乏得到明确确定的愿景；
- 缺乏适当培训；
- 缺乏负责的组织/结构；
- 缺乏构成必要条件的ICT和监管专业技术；
- 单打独斗，不隶属于任何专门进行ICT消费者保护的国际和区域性组织。

⁵⁶ 同上。

⁵⁷ SG1RGQ/22号文件，“刚果民主共和国有关ICT消费者保护监管政策的经验”，刚果民主共和国。

3.3.6 监管机构可采取的、旨在保护消费者权利的措施

为了保护消费者权利，监管机构需致力于采取一系列有益于消费者和运营商的措施。

喀麦隆一项有关消费者保护的详细研究案例在谈到区域层面环境时，介绍了中部非洲经济和货币共同体（CEMAC）通过21/08-UEAC-133-CM-18号规定 – 统一电子通信的规定和监管政策 – 建立的电子通信网络和服务用户权利保护法律框架方面的信息⁵⁸。**喀麦隆**也有标准合同。然而，由于过去未就此类标准合同的条款和条件的确定与消费者进行磋商，因此，该国国家电信管理局组织了一次包括消费者协会在内的与利益攸关方的会议，目的是形成带有标准条款和条件的未来示范合同并使其生效。

各方也认识到，需要进行能力建设，以便使协会效率更高，并能与监管机构开展更有效的合作。文件建议电信发展局可以对成员予以协助，如帮助其监管机构建立呼叫中心、就如何在协会与监管机构之间展开更好协作提供导则，并通过有关消费者保护问题的讲习班或研讨会开展能力建设。

刚果民主共和国监管机构ARPTC根据有关其监管使命的规定，落实了一系列旨在确保保护消费者的措施和活动⁵⁹，其中包括：

- 如果运营商公然侵犯消费者利益，则应通过相关手段对其进行制裁，包括在有些情况下要求其采取纠正措施或做出补偿，特别是对消费者进行退款等；
- 在运营商职责范围内提出尊重消费者权益等要求，包括将可能造成呼叫中断或质量下降的网络维护活动提前告知消费者这一义务；
- 对运营商进行的电信服务促销活动中的适当行为做出严格安排并明确条件，以确保向消费者承诺的益处真正得到实现，并保护消费者免受虚假服务和产品的影响；
- 在法律中确定普遍提供电信服务和产品的普遍服务原则，且质量上乘并永久在刚果全国提供 – 服务价格是全体刚果人民均能承受得起的价格。

2014年1月31日，**巴西**监管机构ANATEL创建了新的消费者网站。该门户网站随时更新。在此，欢迎消费者保护组织和实体通过电子邮件提供信息。⁶⁰

阿曼的案例研究以示例说明由提供移动服务的电信运营商制定并获得电信管理局（TRA）批准的定式合同（遵守合同）。⁶¹TRA通过其批准程序旨在捍卫受益方的利益并确保合同包含公平和透明的条款和条件。

印度的一项案例研究分析了印度有关为保护消费者权益而为之提供信息的监管框架⁶²。

多数国家都已设立了不同类型的电信用户集团，名称千差万别，工作范围和重点也不尽相同。**中华人民共和国**的NCTU在保持与技术创新和市场发展同步方面发挥了积极的

⁵⁸ SG1RGQ/38号文件，“喀麦隆在电子通信产品和服务方面的消费者保护”，喀麦隆共和国。

⁵⁹ SG1RGQ/22号文件，“刚果民主共和国有关ICT消费者保护监管政策的经验”，刚果民主共和国。

⁶⁰ 1/36号文件，“巴西的消费者网站”，巴西联邦共和国。

⁶¹ SG1RGQ/100号文件，“标准客户协议”，阿曼电信管理局。

⁶² SG1RGQ/46号文件，印度共和国。

作用。⁶³ 2014年，NCTU与省级层面的地方组织建立了密切联系。12月，它在浙江省绍兴组织了一场旨在加速关于消费者满意度项目的论坛。中华人民共和国的经验表明，这类组织能够帮助国家监管机构更有效地管理市场并提高服务质量。应鼓励尚未设立此类机构的国家采取旨在实现这方面目标的措施。

各国类似消费者组织可通过加强信息交流和工作协同、组织专题培训等方式，更好地提升电信用户权益保护的效果。

3.3.7 未来展望

在ICT消费者权利立法和保护方面，各国存在各不相同的法律手段。即便是在尚不存在相关立法的国家，它们也没有回避问题，而是在积极努力，制定有关监管ICT行业的法律。

在**刚果民主共和国**，已在按照最新ICT环境采取若干措施制定相关法律⁶⁴。这些措施包括：

- 1) 审查刚果民主共和国的消费者保护拟议法律草案；
- 2) 监管机构审查旨在建立处理消费者和消费者协会投诉程序的决定草案；
- 3) 有关设立呼叫中心的项目，以实时登记电信服务客户的投诉，目的是在消费者权益被侵犯时自动采取行动；
- 4) 购买合适设备和平台，监督语音和数据服务（3G）的服务质量（QoS）；
- 5) 通过加强消费者协会能力，实现全国消费者运动的专业化。

⁶³ 1/88号文件，“国家电信用户委员会为改善电信服务有效开展工作”，中华人民共和国。

⁶⁴ SG1RGQ/22号文件，“刚果民主共和国有关ICT消费者保护监管政策的经验”，刚果民主共和国。

4 第4章 – 消费者权利保护的经济方面问题

4.1 新生态系统中基于成本的定价和模式演进发展的必要性

电信服务与用户日常生活密切相关，且多数用户对价格十分敏感。在多数国家和地区，由于信息基础设施匮乏，所以多数电信服务价格是众多用户无法承受的⁶⁵。不同国家和市场存在不同的经济和监管情况，这意味着定价采用不同方式，如下文所述。

根据世界范围内得到广泛接受的基于成本的定价，不同运营商都在引入形式多样的资费规则，包括政府定价、政府指导价和价格上限。无论采用何种定价，监管机构都需要有成本模型来使运营商和监管机构都对电信服务的成本和结构了然于胸，并在清晰透明信息基础上，对为消费者确定的资费施加影响。这不仅需要实现电信运营商帐户分离，而且需要对运营商的市场行为进行准确和严格监管。目前已有的为监管机构和运营商提供更多成本信息的成本模型大大超过此前。ITU-D第1研究组第4/1号课题⁶⁶也在研究成本模型问题，同时他们也研究随着时间的推移为消费者降低价格的问题。

除设备和厂房外，影响电信服务的成本还有许多。即便是针对诸如话音和宽带接入等同样的服务，包含安装和人力成本等不同成本也是惯常做法。事实清楚地表明，市场现实比基于假设理想运营商情况（市场的成本监管以此为基础）的最简单理论模型复杂得多。最终用户也不关心成本数量和结构，他们更关注自己的预算以及服务价格是否可以令他们承受。

这主要由下列因素导致：

- a) 应用及相关服务得到普及，使日益复杂的间接成本得到区分；
- b) 在为电信服务收集成本数据时，几乎总是在运营商和监管机构之间出现差异，因此，有必要出台无法基于“理想运营商”成本模型提供的监管机制；
- c) 对诸多服务而言，非人员或设备成本日益重要。此外，朝着下一代网络的迅速融合以及目前提供的系列广泛的商业服务都要求对总体服务及其对资源消费的影响进行综合模拟；
- d) 在不同区域服务提供的消费者体验方面已发生巨大变化。运营商和监管机构必须确保分摊到消费者身上的成本完全是由每项服务消费者所消耗的资源造成的；
- e) 在市场中，“单一产品单一价格”的做法越来越少。现在的一项服务可能包含按照不同客户兴趣组成的一种或多种应用；
- f) 消费者更愿意更多关注质量合理和价格可承受的服务；
- g) 为最终用户提供多种不同服务的业务模式也在发生巨变。监管机构和运营商采用的传统成本模型亦不能适应当前提供的各种服务。

⁶⁵ 1/275号文件，“直接影响确定新的行业生态系统中电子通信服务成本的方法的新环境”和1/276 (Rev. 1)号文件，“结算模型概况”，Tactikom（塞内加尔共和国）。

⁶⁶ ITU-D第1研究组第4/1号课题的报告“确定国家电信/ICT网络，包括下一代网络相关服务成本的经济政策和方法”，见：<http://www.itu.int/md/D14-SG01-C-0479/>。

监管机构的侧重点是对零售价格施加上限，以避免主宰参与方控制价格。与此同时，包括互连收费在内的批发价格对于确保创造公平竞争环境和现实有效竞争也日益重要。

新的生态系统使得基于主宰运营商成本的市场监管更具挑战性，因为后者已不再是垄断或准垄断运营商。此外，多种应用（如话音、数据、短信、话音+短信、话音+数据、话音+短信+数据）对网络的共享也在资源方面带来了内有不平衡性，从而使在同一市场在各个方面都相同的两家运营商可能在话音服务方面出现极为不同的成本。

这就是“成片营销”（**Confluent Marketing**）理念的基础，即，除估算所提供服务的单位成本外，可能关联到所消费数量的衡量和预测，以制定服务于不同用户群体的服务计划。

监管机构和运营商采用的成本模型必须能够适应所提供服务的各种调配方式。为了在特定市场实现平等监管，必须摒弃以一个或多个主宰运营商为基准的做法。

4.2 资费一揽子计划：运营商的主要尝试

在商业领域—不仅仅是电信市场，既有针对单一产品或服务的资费，也有针对一系列产品或服务的一揽子资费计划。由于下列原因，诸如交通、旅游、教育、卫生和家政等公共服务部门常常采用一揽子资费计划：

- 1) 有助于公司留住客户，避免收入的大起大落；
- 2) 由于简单易用，因此已被消费者接受；
- 3) 经常轻而易举地由服务提供商或用户选择；
- 4) 提供商可根据不同类别需求，对一揽子计划进行扩充或缩减；
- 5) 无需得到监管机构或其它政府部门（针对零售服务）的批准；
- 6) 可用于多种不同行业，甚或用于交差营销和销售。

在现实世界中，随着电信市场的迅猛发展，越来越多的参与方和相关服务进入了用户的个人生活。人们不仅在利用通信产品和服务实现互连，而且在通过这些产品和服务享受音乐、视频、游戏、社交联络和网络，并进行投资和物品买卖等。越来越多的服务是通过网络和移动装置提供和交付的。移动互联网已成为数字生活和数字工作的一大催化剂。对于多数用户而言，一揽子资费计划越来越受欢迎，因为这可以简化使用并降低进入门槛。

运营商之间的竞争也由简单的价格竞争变为在宽带、服务和内容方面的竞争。典型做法是进行成片营销（此后称作**CM**），其中包括为多种不同类型服务确定一揽子计划，并根据类别和比例提供折扣价，如，捆绑式移动电话、宽带、即时信息服务等。**CM**在各区域都得到了广泛采用。如**AT&T**（美国）通过宽带光纤提供电视、个人计算机（**PC**）和智能电话。英国电信（**BT**）（英国）通过**BT**的“聚合和蓝牙”帮助其用户实现智能家庭生活。法国电信（法国）为其住宅和企业客户提供不同**CM**产品，如在**Orange**这一统一品牌下，提供家庭谈话（**Family Talk**）、企业谈话（**Business Talk**）和现场电视盒

（Livebox）服务。沃达丰的固定宽带则与移动宽带相结合，以合并账单的方式满足客户需求。KDDI（日本）开发了FMBC – 将广播业务与移动和固定电信业务相合并。

2012年，中国电信以多种不同方式推销和出台其CM，为最终用户提供我的电子家庭（My E-home）、企业导航（Business Navigation）和移动电子冲浪（E-surfing Mobile）三种不同服务。E6（固定加移动电话）、E8（固定电话加宽带）和E9（固定和移动电话加宽带）则是在我的电子家庭品牌下满足用户多种不同需求的三项服务。2016年，随着4G服务的快速部署，中国用户也从所有三家运营商那里得到了多种不同形式的资费一揽子计划。如图20所示，入门价已降到了每月不足10美元。

在英国市场上，最大移动运营商沃达丰目前正在为家庭用户提供不同的宽带资费一揽子计划，以满足多种不同的速率需求（具体见图21）。在澳大利亚，家庭用户在话音、视频和互联网方面都能找到适合其数字家庭应用的合适一揽子计划（见图22）。

FMC是多数运营商最初采用的一揽子计划。该计划通过将一固定电话号码与若干移动电话号码相合并，方便签约用户在不同号码之间自由通话并得到额外的数据流。这一计划能够在某种程度上避免固定话音的萎缩。宽带加3G和4G是一种受欢迎的一揽子服务计划，常常将终端和话音折扣价合并一起。它有助于用户获得更低价格，刺激服务消费，但在现实中无法实现网络合作。

图20：中华人民共和国4G服务一揽子资费计划比较

中国移动			中国联通			中国电信		
月费 (元)	流量	语音 (分钟)	月费 (元)	流量	语音 (分钟)	月费 (元)	流量	语音 (分钟)
58	500M	50				59	500M	100
88	700M	200	76	400M	200	79	700M	200
			106	800M	300	99	1G	300
138	1G	500	136	1G	500	129	1G	500
158	2G	500	166	2G	500	169	2G	700
			196	3G	500	199	3G	700
238	2G	1000						
268	3G	1000	296	4G	1000	299	4G	1500
338	3G	2000	396	6G	2000	399	6G	2000
588	6G	4000	596	11G	3000	599	11G	3000

来源：中国移动、中国电信、中国联通和中国工业和信息化部官方网站。

图21：英国家庭用户的宽带一揽子计划

宽带 ADSL 宽带和家庭电话		超快 光纤 宽带和家庭电话		超快 光纤+ 宽带和家庭电话	
非常适合小型家庭 或非经常使用		理想用户为使用若干 设备的家庭		对于上传和使用流媒体 的家庭可谓完美	
速率	不超过 17 Mbps	速率	不超过 38 Mbps	速率	不超过 76 Mbps
月费用	前 12 个月每月 2.5 英镑 ，之后 每月 5 英镑 加每月 18 英镑的 线路租用 18 个月的合同	月费用	前 12 个月每月 7.5 英镑 ，之后 每月 15 英镑 加每月 18 英镑的 线路租用 18 个月的合同	月费用	前 12 个月每月 10 英镑 ，之后每 月 20 英镑 加每月 18 英镑的线 路租用 18 个月的合同

来源：英国沃达丰官方网站。

图22：澳大利亚家庭用户的捆绑一揽子计划

我们的前所未有的最佳价值捆绑



来源：澳大利亚Telstra官方网络。

为扩大CM的范围，越来越多的新服务被捆绑一体。IP电视及视频监控是被选定与宽带和移动服务合并一起的受欢迎的服务。这些服务一揽子计划是为了满足家庭和企业用户的需求，如中国联通为满足企业用户推出的、称作“宽带移动加魔术眼”的产品一揽子计划。

CM一揽子计划对消费者的权益有哪些影响呢？首先是与意识有关的权利。各种不同CM产品一揽子计划非常复杂和详细，了解其条件和限制性条款的消费者屈指可数。运营商也未准备好就此向公众做出解释。其次，选择权和包含在产品一揽子计划中的某些条件受到影响。有些CM产品并非是所有用户都可购买的。有些一揽子计划的条款十分僵化，消费者不能改变任何细节。在其它情况下，用户不能从一个一揽子计划转向另一个一揽子计划。第三则涉及到服务质量。这可能比简单的服务更加复杂，因为有关CM产品的标准凤毛麟角。如果用户不能独立于数量或质量共享服务，则很难确定责任。第四个因素是公平交易权。多数CM一揽子计划是固定条款计划或针对特定区域，因此，消费者不能对其加以改变，这就导致消费者体验很差。

为了适应市场竞争和服务提供的发展，监管机构应更新其资源、能力和手段，特别应引入监管CM产品的新措施。例如，在**中华人民共和国**，任何新的CM一揽子计划在推向市场之前，都必须提交监管机构审查。对SMP运营商，如果有足够的证据表明一揽子计划可能危害竞争或消费者权益，则可能被监管机构驳回。第二，要求运营商允许其自身用户根据个人意愿从一种产品一揽子计划转向另一种一揽子计划。迄今为止，这种监管做法已实行五年以上，有效提高了消费者的满意度。第三，已建立了一些监督平台，提供有关服务质量（QoS）和用户体验的证据。此外，还要求电信监管机构与其它监管机构合作，因为很多CM产品，如音乐、视频和卫生管理，已超出了通信服务的范畴。

4.3 消费者进行的价格-数量配对（广义）选择

在传统商业世界中，当价格主要由成本信息和对供给的掌控决定时，企业要比消费者强大许多⁶⁷。而在线上和线下市场捆绑一起的世界中，前一种因素快速消失⁶⁸。随着技术的创新和生产力的发展，许多产品和服务都已变得供大于求。

在买方经济中，消费者的权益可以在选择自由和自我独立定价方面得到改善。这一市场的特点可归纳为：

- 1) 消费者需求是生产和运营的核心；
- 2) 商品供应充足，有充分的供应，消费者可以选择任何商品；
- 3) 消费者可以满意获得售前、售中和售后服务；
- 4) 卖方在产品色彩、种类、服务、价格、促销和其它方面激烈竞争；
- 5) 产品和服务的价格迅速下降。

在电信市场，被动选择和接受日益减少。过去，消费者常常就内容和交易条款发出抱怨。如今，特别在资费条件方面，消费者拥有的表达其态度和期许的权利依旧微乎其微。由此，不能同时得到合理消费和公平价格。如果消费者遇到计费错误，则很难凭个人的力量纠正时间和成本方面的错误。

在网络接入和连接日益扩大的时代，消费者有了更大的自由选择度。该权利可体现在独立自我定价之中，这意味着用户可根据服务内容、数量、类别、质量和其它因素，确立自身的价格组合。

从理论上分析，消费者的价格-数量配对选择具有以下明显益处：

⁶⁷ 除非存在翻译问题，否则“消费者自我独立定价”的标题不符合市场现实。价格永远是由运营商确定的，但依然可以形成针对若干消费者群体的、采用价格-数量配对的产品和服务价格。因此，属于某一类消费者群体的消费者可“成交”。但必须明白的一点是，运营商已在对消费行为进行深入分析基础上确定了不同消费群。且如果运营商有能力的话，还模拟每一群体对资源消耗及所需成本带来的影响。

⁶⁸ 当运营商供给过多并低价（非掠夺性）出售其产品和服务（以便使数量效应能够对服务成本做出纠正）时，一切都会归于良好，供给不再是超量供给。但如果运营商以低于成本的价格销售服务且不进行任何交叉补贴，则它最终会无法运行，这时客户即会转向前者的竞争对手，其供给将不再是超量供给。只要市场尚未纠正过剩情况，则该推理可得到延伸（因此不可能是准则）。如果运营商根据所提供的服务，进行掠夺性定价和/或交叉补贴，则监管机构将不得利用现代成本计算模型，对此予以证实，以便能够禁止任何反竞争行为。

- 1) 在全面了解信息后自我确定合理价格；
- 2) 确定价格后，很快从多个销售商那里获得服务；
- 3) 经过谈判，实现卖方与买方之间的平衡；
- 4) 鼓励消费者以同样价格买到更多服务和产品。

提供商担心，持续下降的价格可能会损害其利润。竞争已从价格转向了品牌、服务和创新竞争。但另一方面而言，消费者进行的价格-数量配对选择可能会加速销售循环并提高对提供商的忠诚度。

当电信运营商决定满足消费者价格-数量配对的选择需求时，监管机构要求他们为用户提供每一个单个产品或服务的足够信息，具体说明数量、速度、使用时间、单个产品的标准价格以及捆绑服务的可能折扣。应通过多种不同渠道，如网站、移动应用和传统媒体，向消费者提供所有这些信息。借助专业工具的帮助，多数消费者可轻而易举地找到适合其需求的一揽子计划。运营商往往不情愿放弃其预先计划好的一揽子价格，该价格可能比自我确定的一揽子价格低许多，因为其中可能伴随着其它一些交易条款，如使用条款、速率限制和最低消费要求等。

在中国，自2014年实现4G服务的商业化后，中国移动、中国电信、中国联通都已开始允许其用户通过网络服务营业厅和移动服务营业厅自由进行价格一揽子计划组合（借助于业务支撑系统的转变）。现今，中国移动用户可根据自身意愿、且在其自己确立的此前资费中不存在交易条款情况下，从一种一揽子计划转用另一种计划，具体见图23。

图23：中国移动用户自我确定资费一揽子计划

语音通话	500分钟 88元	1000分钟 168元	2000分钟 238元	3000分钟 328元
语音/要求	4000分钟 408元			
上网流量	300MB 20元	500MB 30元	700MB 40元	1GB 50元
数据/要求	2GB 70元	3GB 100元	4GB 130元	6GB 180元
数据/可选	11GB 280元			
	200条短信 10元	400条短信 20元	600条短信 30元	暂不需要

来源：中国移动官方网站

在一些区域，更小的运营商可能在为单个用户提供资费方面更为活跃。例如，在美国，Sprint和T-Mobile在市场份额上比不过Verizon和AT&T，前者在充分利用话音向数据转变的趋势，引入了不限数据流量的一揽子计划（超出特定流量数量时会有速率限制）。

这可以被看做是另一种类型的自我独立定价。如图24所示，如果签约用户订购适当资费一揽子计划，则可以不受限制的使用任何类型服务。

图24：Sprint在美国市场提供的无限制资费一揽子计划

所有1GB至40GB的计划都包括无限制的2G数据

超小：最佳起点						
XS	S	M	L	XL	XXL	无限制
1GB 加无限制的2G数据 加每月20美元的接入收费（如以 每月分期付款的方式租用或购买	3GB	6GB	12GB	24GB	40GB	无限制
\$20 /月	\$30 /月	\$45 /月	\$60 /月	\$80 /月	\$100 /月	\$75 每月， 官条线路

来源：美国Sprint官方网站。

4.4 赔偿：远远超出实际财产损失

对于服务提供商而言，用户赔偿总是一个敏感问题。过去数十年中，由计费错误造成了诸多赔偿要求。用户必须向运营商提供足够证据，但有时没有运营商的帮助，却很难收集到有益信息。如果运营商与用户之间的分歧涉及捆绑产品或服务则事情会更加复杂。有时一些第三方负责提供服务或内容。近年来，用户关注的焦点集中于服务质量、安全事件和速率差距等。赔偿远远超出了实际财产损失。

许多国家在其法律和规则中都包含了有关得到赔偿的权利。在电信服务领域，用户获得赔偿的权利可体现在普通民法以及具体行业法律中。监管机构有权支持电信用户得到其合法的获得赔偿的权利。如何定义“合法”赔偿是一项关键性工作。

理论上而言，赔偿旨在覆盖受害者的真是损失，尤其是财产损失。在计费错误方面，运营商作为受益方应及时退还用户多交的款项。在实践中，如果数额巨大且时间过长，则在赔偿数额中应加上时间成本。关键的问题在于证据收集，但没有运营商的帮助，普通用户无法得到纸质或电子形式的证据，因此，要求监管机构通过法律和规则帮助用户寻求证据。在多数情况下，在要求运营商做出反应方面，监管机构和用户的立场是相同的。

用户的损失可分为两类：直接损失和间接损失。如果规则详细规定相关方面应如何计算损失，则在多数情况下可解决直接损失问题。令人遗憾的是，国际惯例表明，相关法律和规则将这些工作留给监管机构和法庭完成，由此，使得诸多用户无法及时获得足够赔偿。

最困难的工作是定义间接损失。运营商和服务提供商与消费者之间的分歧极大，使得每一个案例都可被视作是独立案例，且通常最终结果是法官不接受或基本不接受间接损失。这样的后果是显而易见的：侵权方继续若无其事地照常行事，因为法律得不到执行，因此，也谈不到所谓的惩罚。

随着互联网服务的迅速扩大，一些在线服务由网络运营商和服务提供商联合向最终用户提供。在越来越受互联网用户欢迎的移动支付方面，智能电话相关应用持续不断收集着个人隐私信息，如账号、密码、地点、交易订单等。如果不能有效保护这些个人数据，则会带来潜在损失，并进而造成直接损害。如同其它许多国家一样，在日本、韩国和中国，许多年轻人都依赖于移动支付，但他们也面临着丢失个人数据的风险。

目前正在讨论如何联合负责、以满足保护消费者个人数据需求的问题。电信运营商和服务提供商应相互合作，通过技术手段和法定义务维护用户的个人数据。如出现事件，则运营商和服务提供商（如银行）可以冻结账户并追查犯罪根源，以避免造成更大损失或弥补损失。

预防远远优于惩罚和赔偿。一些国家正在采取行动，教育消费者如何捍卫自己的权益。2015年12月，巴西监管机构ANATEL出台了“ANATEL为您答疑解惑”的宣传活动⁶⁹。该活动包括以各种形式提供信息（辅导材料、视频和宣传单）。在ANATEL网站和社交网络上，每周两次公布新的内容。“ANATEL为您答疑解惑”活动是为了赋予消费者权能，以简单明了的语言和为数不多的技术术语就电信服务和消费者权益提供相关信息。

该活动旨在大力宣传以下类别信息：

- 1) 电信服务消费者权利以及电信服务提供商应遵循的规则。用简易的语言介绍了有关ANATEL解决争议的权利和义务。
- 2) 消费者如何保护自己权利的信息，如：如何以及何时向ANATEL提出投诉，ANATEL是如何工作的。

截至2016年3月初，已在ANATEL网站（<http://www.anatel.gov.br/consumidor/index.php/2015-11-26-16-43-20>）上发布了25份辅导材料。在以各种形式提供的信息中，解释了宽带速率、计费 and 收费、如何取消合同以及服务销售方法等问题。图25包含其中的一些辅导材料示例。

该项活动于2015年12月启动并贯穿于整个2016年。ANATEL消费者事务监督员Elisa Leonel女士表示，该活动是一项举措，旨在帮助消费者了解和行使其权利。“如果消费者充分了解服务及其权利，那么他们就能选择最适合其需求的方案。通过“ANATEL为您答疑解惑”，我们希望让消费者明白，他们手中最重要的工具是知识”，该女士如是说。该项活动是为了向消费者提供帮助和咨询意见，对消费者了解电信服务和他们拥有的权利是一个重要途径。

⁶⁹ SG1RGQ/210号文件，“ANATEL说明”宣传，巴西联邦共和国。

图25：“ANATEL为您答疑解惑宣传活动”所含的示例



COMO DEVE SER O ATENDIMENTO TELEFÔNICO DAS PRESTADORAS?

O serviço é gratuito e deve funcionar ininterruptamente, 24 horas por dia e 7 dias por semana.

Prestadoras de pequeno porte (menos de 50 mil clientes) devem realizar atendimento telefônico, no mínimo, entre 8h e 20h, nos dias úteis.

Após o primeiro contato com o atendente, **se a ligação cair**, a prestadora é **obrigada a retornar** em até **5 minutos**.

Os **call centers** aceitam chamadas originadas tanto de telefones fixos quanto de celulares e **devem receber, tratar e solucionar** pedidos dos consumidores. Mas não se esqueça: **sempre anote o protocolo** de atendimento.

O contrato pode ser rescindido pelo **call center** sem que o cliente fale com o atendente. É só digitar a **opção de cancelamento sem falar com o atendente**. Nessa caso, a empresa tem no máximo dois dias para atender a solicitação. Nesse período - até o cancelamento efetivo -, o serviço continua funcionando e os gastos continuam sendo cobrados.

O **tempo máximo** para o contato direto com o atendente deve ser de até **60 segundos** depois que essa opção for selecionada ou quando houver transferência entre atendentes.

A prestadora é **obrigada a gravar os atendimentos telefônicos** aos consumidores, independentemente de quem originar a interação.

Entenda as regras:

- A gravação deve ser mantida em curso até o atendimento ser finalizado, independentemente de transferência entre atendentes.
- É obrigatório que a empresa guarde a gravação por pelo menos seis meses, período em que o consumidor pode pedir cópia do seu conteúdo. Para as prestadoras de pequeno porte, o prazo é de 90 dias.
- A disponibilização da cópia da gravação deve acontecer em, no máximo, dez dias a contar da solicitação. O processo é de graça e o consumidor escolhe se prefere receber a gravação pelo espaço reservado no site da operadora, por e-mail, por correspondência ou pessoalmente.

ANATEL EXPLICA | EDIÇÃO 12 | JANEIRO DE 2016

WWW.ANATEL.GOV.BR/CONSUMIDOR

来源：SG1RGQ/210号文件，“ANATEL说明”宣传，巴西联邦共和国。

5 第5章 – 结论和导则

5.1 结论

在运营商主宰年代，电信监管机构的工作重点是优化资源分配、平衡市场竞争并保护消费者权益，其中的关键点是市场领先的运营商。监管机构尽可能通过开放市场、引入外部竞争力量、监督互操作性、批发价格和其它手段，实现政策目标。

在消费者保护方面，工作的重点是改善消费者的知情权、保障他们的选择权、公平交易权并确保能对损失进行申报。这种管理模式的基本前提是消费者较弱，而运营商却很强大。在数字融合时代，产品和服务远远超出了信息传送传统行业的界限，深深跨入了数字内容创建和共享，并面临网上和网下经济的融合，因此，监管机构的策略和模式必须适应新的市场环境要求。

5.2 监管机构和其它相关组织导则

电信监管机构应在国际惯例和国家案例研究基础上，遵循“激励监管”的理念和原则，其核心行动是阐释和重建电信消费者保护的手段、机制和政策。

– 完善传统职能

- 不断放松市场准入限制，鼓励多种不同市场参与方参与竞争，从而拓展竞争范围、丰富产品和服务的供给并提高消费者的选择空间和自由度；
- 优化号码、频谱和域名地址等通信资源的分配，鼓励大型参与方创建开放平台，并推动中小企业实现产品和服务创新；
- 建立灵活定价机制，重点关注上游批发价格的公正性；加速市场零售价格的完善速度，并进一步扩大用户自我独立定价的范围和比例。

– 满足新的融合和协作环境的需求

- 在国际、区域和国家层面为促进和落实联合国可持续发展目标（SDG）采取包容式手段，呼吁政策制定者、监管机构将SDG目标纳入国家计划并将消费者利益和权益问题作为所有社会经济发展和政策讨论的核心问题；
- 优化企业到企业（B2B）和企业到消费者（B2C）方面的供方与需方之间的竞争关系，大大减少事先管理和数量控制措施，建立事中和事后监督机制；
- 对服务质量监督模式进行创新，完善第三方拥有的宽带、智能、移动监督平台和用户监督机制，以促进实现服务质量的可持续性；
- 对消费者和企业开展电信和互联网服务方面的教育；
- 确保与网络和服务融合相关的技术挑战已在掌控之中，其中主要包括服务质量、互操作性、安全性、隐私、为各界民众提供的普遍服务和削减成本。

- 扩大普遍接入战略范围，以便将促进消费者权益、信息、教育和提高认识涵盖在内，特别侧重于安全；
- 鼓励借助PPP和专项资金，如普遍服务基金（USF）进行信息基础设施投资和运营，以强化在高成本地区和偏远地区向低收入人群提供服务的能力。

— 机制与管理创新

- 建立国家指导、行业自我监管和消费者参与的管理机制，以及在公平价格、服务可靠性以及电信产品和服务赔偿及时性方面发挥积极作用。
- 建立并完善消费者隐私和数据安全方面的组织和机制⁷⁰。
- 加强消费者信息网络，在国家、区域和国际层面建立服务平台，进一步就大数据平台和移动互联网应用的使用增强消费者的权利和专业知识。
- 为教育、提高认识和分发有关QoS参数、资费、安全和特别涉及儿童、女性和残疾人互联网使用的信息的分发制定有效机制；
- 加强信息交流和协作工作，赋予消费者组织权能，如可联合组织专题培训，促进保护电信用户的权益，将每两年至少举办一次有关消费者保护的论坛活动规范化。

— 加强各种形式的合作

- 加强利益攸关方之间的伙伴关系以便在国家、区域和国际层面为消费者保护和权益创建知识交流平台和对话；
- 加强国际组织，特别是国际电联在ICT行业的合作，以分享知识和信息，确定最佳做法并提高人们对这些做法的认识，其中包括ITU-D 2014年全球监管机构专题研讨会最优做法指南（GSR14）和国际电联多项决议（包括ITU-D第64号决议（2014年，迪拜，修订版）和ITU-T有关在国家和区域层面加强消费者保护的84号决议（2016年，哈马马特），将消费者保护和有关消费者权益的信息保护纳入ITU-D各项活动；
- 促进在国家和区域层面成立消费者协会，加强协会的专业化水平并帮助实现国家、次区域和区域层面的能力建设；
- 改进国家电信监管机构与数字内容管理机构之间的协作管理机制。深化管理机构之间的国际合作，以防止特洛伊木马病毒、网络攻击和欺诈，以便为消费者营造安全和可靠的网络环境。

⁷⁰ 今天我们通过了保护宽带客户隐私的规则。在讨论这些规则范围时我们定义了须遵守我们这些规则的“电信运营商”和这些规则旨在保护的“客户”。我们还将按照第222节得到保护的信息定义为客户专有信息（客户PI）。我们在客户PI定义中包含了三类电信运营商通过其宽带或其它并非相互排斥的电信服务提供收集到的信息：(i) 个人可识别客户专有网络信息（CPNI）—如第222(h)节所定义；(ii) 个人可识别信息（PII）；(iii) 通信内容。我们还通过并解释了我们的多部分方式--旨在确定数据是否已得到恰当的身份去除，因此不受我们通过的客户PI客户选择机制的约束。最后我们利用隐私的三项基础—透明度、选择和安全—通过了保护消费者隐私的规则（<https://www.fcc.gov/document/fcc-adopts-broadband-consumer-privacy-rules>）。

- 交流最佳做法并鼓励结成公共-私营部门伙伴关系，以便按照14001.2015标准（行业运营商认证）管理电子废弃物并保护生态系统（前者还给出了质量概念）。

5.3 运营商和服务提供商导则

联合国消费者保护导则⁷¹确立的原则为进行网上和网下的、针对消费者的商业活动确立了良好商业行为基准，具体如下：

- **披露与透明度。**运营商和服务提供商应针对产品和服务、条款、条件、适用的收费以及最终费用提供完整、准确和不会造成误解的信息，以使消费者做出知情决定。企业应确保这种信息能够轻而易举地获得，尤其是涉及主要条款和条件的信息，无论使用何种技术手段。
- **公平和平等待遇。**运营商和服务提供商应在与消费者的各个阶段关系中公平和诚实对待消费者，并使其成为企业文化不可分割的组成部分。企业应避免有害消费者权益的行为，特别是有害于弱势群体和社会经济地位低下者权益的行为。
- **商业行为。**运营商和服务提供商不应使消费者遭受非法、不道德、歧视性或欺骗性对待，如滥用营销策略、滥用债务和其它为消费者带来不必要风险和伤害的不当行为。企业及其授权代理人应十分关注消费者的权益，且有责任将持续保护消费者作为一项目标。
- **消费者投诉和争端。**运营商和服务提供商应提供投诉处理机制，使消费者能够快速、公平、透明、廉价、方便和有效地在无须承受不必要成本或负担的情况下解决争端。企业应考虑采用有关内部投诉处理、替代争端解决服务和客户满意守则等国内和国际标准。
- **教育和提高意识。**运营商和服务提供商应酌情制定项目和机制，协助消费者开发和获取了解风险（包括经济风险）所需的知识和技能，以做出知情决策并获得权威和专业性咨询意见的协助，必要时最好从独立的第三方获得这类咨询和协助。
- **保护隐私。**运营商和服务提供商应通过综合利用适当的有关消费者个人数据收集和使用的监控、安全、透明和同意机制，保护消费者的隐私。
- **树立消费者对融合服务的信心。**通过采取增强消费者信心的措施，促进和维护电子商务和移动商务。鼓励运营商制定包括内置安全特性的安全防范措施，防止擅自交易和数据泄密。确认有必要对尤其易受商业做法欺骗或难以全面理解支付机制的具有不同接入需求的消费者加以保护，并进行宣传教育。

⁷¹ http://unctad.org/en/PublicationsLibrary/a35r63_UNCPP_en.pdf。

Abbreviations and acronyms

Various abbreviations and acronyms are used through the document, they are provided here.

Abbreviation/acronym	Description
AABE	Argentina's State Property Administration Agency (Agencia de Administración de Bienes del Estado) (Argentine Republic)
AICN	African ICT Consumers Network
ALD	Assistive Listening Devices
ANATEL	Brazilian National Telecommunications Agency (Agência Nacional de Telecomunicações) (Federative Republic of Brazil)
ANEC	European Association for the Co-ordination of Consumer Representation in Standardisation
ANT	Access Network Transport
APT	Asia-Pacific Telecommunity
ARCEP	Autorité de Régulation des Communications Électroniques et des Postes
ARPU	Average Revenue Generated per User
ARPT	Postal and Telecommunication Regulatory Authority (Autorité de Régulation des Postes et Télécommunications) (Republic of Guinea)
ARPCT	Autorité de Régulation de la Poste et des Télécommunications du Congo (Democratic Republic of the Congo)
ART	Telecommunications Regulatory Agency (Agence de Régulation des Télécommunications) (Republic of Cameroon)
ATU	African Telecommunications Union
B2B	Business-to-Business
B2C	Business-to-Consumer
BDT	Telecommunication Development Bureau
BEREC	Body of European Regulators for Electronic Communications
BEUC	European Consumer Organisation (Bureau Européen des Unions de Consommateurs)
BT	British Telecom
CAMRA	Campaign for Real Ale (United Kingdom of Great Britain and Northern Ireland)
CEMAC	Central African Economic and Monetary Community
CEN	European Committee for Standardization
CENELEC	European Committee For Electrotechnical Standardization
CERT	Cybersecurity Emergency Response Team

Abbreviation/acronym	Description
CI	Consumers International
CITC	Communications and Information Technology Commission (Kingdom of Saudi Arabia)
CM	Confluent Marketing
CONATEL	National Telecommunication Commission (Comisión Nacional de Telecomunicaciones)
CPNI	Customer Proprietary Network Information
CRA	Communications Regulatory Authority (Islamic Republic of Iran)
CRM	Customer Relations Management
DAI	Digital Access Index
EC	European Commission
ECCG	European Consumer Consultative Group
ECOSOC	United Nations Economic and Social Council
EEA	European Economic Area
EFTA	European Free Trade Association
ESMT	Ecole Supérieure Multinationale des Télécommunications
ESO	European Standardisation Organisation
ETSI	European Telecommunications Standards Institute
FG DFS	Focus Group on Digital Financial Services
FG SSC	Focus Group on Smart Sustainable Cities
FOP	Family One Plus
GETEM	Assistive Technology and Education Laboratory for Individuals with Visual Disabilities
GPS	Global Positioning System
GRC	General Regulation on Consumer Rights
GRSP	Group on Child Restraint Systems
GSR	Global Symposium for Regulators
HNT	Home Network Transport
IAP	Internet Access Provider
ICRT	International Consumer Research & Testing
ICT	Information and Communication Technology
IDI	ICT Development Index
IEC	International Electrotechnical Commission

Abbreviation/acronym	Description
IFT	Federal Telecommunications Institute (Instituto Federal de Telecomunicaciones) (Mexico)
IMT	International Mobile Telecommunication
INS	National Statistical Institute (Institut National de la Statistique) (Republic of Cameroon)
IoT	Internet of Things
IPTV	Internet Protocol Television
ISO	International Organization for Standardization
ISP	Internet Service Provider
ITU	International Telecommunication Union
ITU-D	ITU Telecommunication Development Sector
ITU-T	ITU Telecommunication Standardization Sector
JCA-AHF	Joint Coordination Activity on Accessibility and Human Factors
LDCs	Least Developed Countries
MII	Ministry for the Information Industry (People's Republic of China)
MIIT	Ministry of Industry and Information Technology (People's Republic of China)
NCTU	National Committee of Telecom Users (People's Republic of China)
NDRC	National Development and Reform Commission (People's Republic of China)
NGN	Next Generation Network
NGO	Non-Governmental Organization
NN	Net Neutrality
NNPA	National Numbering Plan Administrator
NorSIS	Norwegian Centre for Cybersecurity (Norway)
NRA	National Regulatory Agency
NTNP	National Telephone Numbering Plan
OFCOM	Office Fédéral de la Communication (Confederation of Switzerland)
OTT	Over-the-Top
PBS	Pseudo Base Station
PCA	Partnered Consumer Association
PI	Proprietary Information
QoE	Quality of Experience

Abbreviation/acronym	Description
QoS	Quality of Service
R&D	Research and Development
RÉCATIC	Réseau des Consommateurs Africains des TIC
RGC	General Rules on Consumer Rights
SDGs	Sustainable Development Goals
SIM	Subscriber Identity Module
SMS	Short Message Service
TDAG	Telecommunication Development Advisory Group
TRA	Telecommunications Regulatory Authority (Sultanate of Oman)
TRAI	Telecom Regulatory Authority of India (Republic of India)
TSAG	Telecommunication Standardization Advisory Group
UCST	Union of Telecommunication Service Consumers (Union des Consommateurs des Services des Télécommunications) (Democratic Republic of the Congo)
UDECOM	Union for the Defense of Consumer Rights in the Congo (Union pour la Défense des droits des Consommateurs au Congo) (Democratic Republic of the Congo)
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children’s Fund
UNIDO	United Nations Industrial Development Organization
UNGCP	United Nations Guidelines on Consumer Protection
USF	Universal Service Fund
USSD	Unstructured Supplementary Service Data
VINASTAS	Viet Nam Standard and Consumers Association (Socialist Republic of Viet Nam)
VPMN	Visited Public Mobile Network
VUSTA	Viet Nam Union of Science and Technology Association
WEEE	Waste Electrical and Electronic Equipment
WHO	World Health Organisation
WiMAX	Worldwide interoperability for Microwave Access
WSIS	World Summit on the Information Society

Abbreviation/acronym	Description
WTDC	World Telecommunication Development Conference
WTSA	World Telecommunication Standardization Assembly

Annexes

Annex 1: List of contributions during study period 2014-2017

These are the contributions received for consideration by Question 6/1. Many thanks are extended to all the contributors.

Reports

Web	Received	Source	Title
1/REP/36	2017-03-01	Rapporteurs for Question 6/1	Report of the Rapporteur Group meeting on Question 6/1 (Geneva, Thursday, 30 March 2017, 14:30 – 17:30 hours)
RGQ/REP/24	2017-01-13	Rapporteurs for Question 6/1	Report for the Rapporteur Group meeting on Question 6/1 (Geneva, Wednesday, 11 January 2017, 09:30-12:30 and 14:30 – 17:30 hours)
1/REP/26	2016-09-20	Rapporteurs for Question 6/1	Report of the Rapporteur Group meeting on Question 6/1 (Geneva, Thursday, 22 September 2016, 14:30 – 17:30 hours)
RGQ/REP/15	2016-04-14	Rapporteurs for Question 6/1	Report of the Rapporteur Group meeting on Question 6/1 (Geneva, Tuesday, 5 April 2016, 09:30-12:30 and 14:30 – 17:30 hours)
1/REP/16	2015-09-17	Rapporteur for Question 6/1	Report of the Rapporteur Group Meeting on Question 6/1 (Geneva, Thursday 17 September 2015, 11:00 – 12:30)
RGQ/REP/6	2015-04-14	Rapporteur for Question 6/1	Report of the Rapporteur Group Meeting on Question 6/1 (Geneva, Tuesday, 14 April 2015, 09:30-12:30 and 14:30 – 17:30 hours)
1/REP/6 (Rev.1)	2014-09-17	Rapporteur for Question 6/1	Report of the Rapporteur Group Meeting on Question 6/1 (Geneva, Wednesday 17 September 2014, 14:30 – 15:45 hours)

Question 6/1 contributions for Rapporteur Group and Study Group meetings

Web	Received	Source	Title
1/470	2017-03-17	BDT Focal Point for Question 1/1	GSR-17 provisional programme focusing on living in a world of digital opportunities
1/468	2017-03-17	Argentine Republic	National Plan for the Development of Competitiveness and Quality Conditions of Mobile Communication Services
1/467	2017-03-17	Argentine Republic	Argentina reconverts the “Enabling environment for the development of telecommunications/ICTs”
1/453	2017-03-13	Iran University of Science & Technology	Consumers’ rights in information technology in Iran (v0.8)
1/442	2017-01-11	Rapporteurs for Question 6/1	Report of the Rapporteur Group meeting on Question 6/1, Geneva, 11 January 2017

Web	Received	Source	Title
1/417 [OR]	2017-02-10	Rapporteur for Question 6/1	Final Report for Question 6/1
RGQ/311 + Ann.1	2016-12-30	Telecommunication Development Bureau	Overview of input received through the ITU-D Study Group 1 Question 6/1 Global survey on telephone numbering misuse and misappropriation
RGQ/310	2016-12-30	Haiti (Republic of)	Expérience d'Haïti pour la protection des consommateurs
RGQ/302 (Rev.1) [OR]	2016-12-06	Co-Rapporteurs for Question 6/1	Draft Final Report for Question 6/1
RGQ/298 +Ann.1	2016-11-25	Palestine(*)	Explain the special resolution to protect subscribers added services through operators networks
RGQ/264	2016-11-14	Norway	Creating a metric for cyber security culture
RGQ/261	2016-11-14	Tactikom (Sénégal)	New environment having direct influence on methods of determining costs of electronic communication services in the new sectoral ecosystem. Amendments to Chapter 5 of the draft final report
RGQ/255	2016-10-31	Oman Telecommunications Regulatory Authority (TRA)	Standard customer agreement
1/364	2016-09-07	United Kingdom and Northern Ireland	Initial consideration of responses to numbering misuse survey as a contribution to the Question 6/1 report
1/358 +Ann.1	2016-09-07	Telecommunication Development Bureau	Overview of input received through the ITU-D Study Group 1 Question 6/1 Global survey on telephone numbering misuse and misappropriation
1/348	2016-08-15	Benin (Republic of)	Actions réglementaires en faveur de l'implantation des stations radioélectriques et la protection des personnes contre les effets des champs électriques, magnétiques et électromagnétiques
1/340	2016-08-05	Co-Rapporteur for Question 6/1	Lignes directrices pour la Question6/1
1/325	2016-08-05	Côte d'Ivoire (Republic of)	Risks associated with the reallocation of cancelled numbers: rights and freedoms of subscribers appearing in a telephone directory
1/323	2016-08-05	Côte d'Ivoire (Republic of)	Renforcement du cadre légal de la protection des consommateurs: Cas de la Côte d'Ivoire
1/308 +Ann.1	2016-08-04	BDT Focal Point for Question 6/1	GSR 2016 Discussion Papers and Best Practice Guidelines

Web	Received	Source	Title
1/293 [OR]	2016-08-02	Co-Rapporteur for Question 6/1	Draft Report of Question 6/1: Consumer information, protection and rights: Laws, regulation, economic bases, consumer networks
1/274 (Rev.1)	2016-07-22	Guinea (Republic of)	The numbering plan in Guinea
1/246	2016-04-05	Rapporteurs for Question 6/1	Report of the Rapporteur Group Meeting on Question 6/1, Geneva, 5 April 2016
RGQ/242	2016-04-15	Rapporteur for Question 6/1	Working document: draft Question 6/1 report following the 5 April 2016 Q6/1 meeting
RGQ/210	2016-03-18	Brazil (Federative Republic of)	"ANATEL explains" campaign
RGQ/200	2016-03-21	United Kingdom of Great Britain and Northern Ireland, Australia, Papua New Guinea, Vanuatu (Republic of)	Title to be added (contribution from UK, Australia, Samoa, Vanuatu and Papua New Guinea)
RGQ/199	2016-03-16	China (People's Republic of)	Consumer protection in the convergent era: user dominant right is rising up
RGQ/195	2016-03-14	Rapporteur pour la Question 6/1	Chapitre 4 du rapport de la Question 6/1
RGQ/179	2016-03-06	African ICT Consumers Network (AICN)	Resolution 64 (Rev. Dubai, 2014)
RGQ/178	2016-03-06	African ICT Consumers Network (AICN)	Les lignes directrices de Bahreïn
RGQ/165	2016-02-17	Gambia (Republic of the)	A case to adopt child online protection initiatives across LDCs
RGQ/164	2016-02-18	Benin (Republic of)	Collaboration between a regulatory agency and consumers' associations: the case of Benin
RGQ/162	2016-02-18	Benin (Republic of)	Regulatory measures for the protection of telecommunication service consumers in Benin
RGQ/159	2016-02-22	Central African Republic	Legislative and regulatory framework for the protection of ICT consumers in the Central African Republic
RGQ/123	2015-09-11	Mexico	Actions to benefit telecommunication service users in Mexico
1/230	2015-09-03	Zimbabwe (Republic of)	Consumer protection: the Zimbabwean experience
1/225 +Ann.1	2015-09-01	BDT Focal Point for Question 6/1	Background Documents for Report
1/216	2015-08-30	Saudi Arabia (Kingdom of)	The applicant/user's protection

Web	Received	Source	Title
1/198	2015-08-21	Zimbabwe (Republic of)	To use of not to use cloud computing?: The question for the developing world
1/197	2015-08-21	Viet Nam (Socialist Republic of)	The state of telecommunications consumers protection – The need for distinct regulation
1/189	2015-08-12	Telefon AB – LM Ericsson	Evolution in mobile broadband networks, for its consideration in the reports
1/166	2015-07-31	Brazil (Federative Republic of)	Telecommunication consumer and its rights: proposed text for Chapter 2 of the Report of Question 6/1
1/159	2015-07-31	Co-Rapporteur for Question 6/1	Draft outline for the final report of Question 6/1 and task distribution
1/153 (Rev.1)	2015-07-29	Australia, Papua, New Guinea, Samoa (Independent State of), United Kingdom of Great Britain and Northern Ireland, Vanuatu (Republic of)	Proposed amended questions on numbering misuse
1/133	2015-07-16	Gambia (Republic of the)	A case to adopt Child Online Protection initiatives across LDCs
1/106	2015-05-07	Rapporteurs for Question 6/1	Report of the Rapporteur Group Meeting on Question 6/1, Geneva, 14 April 2015
1/88	2015-04-03	China (People's Republic of)	National Committee of Telecom Users work effectively to improve telecom services
RGQ/106 (Rev.1)	2015-03-31	Australia, Samoa (Independent State of), United Kingdom of Great Britain and Northern Ireland, Vanuatu (Republic of)	Proposed questions to assist combatting Numbering Misuse
RGQ/100	2015-03-31	Oman (Sultanate of)	Standard Customer Agreement
RGQ/73	2015-03-10	Benin (Republic of)	Collaboration entre une Agence de régulation et les associations de consommateurs: cas du Bénin
RGQ/66	2015-03-03	United Kingdom of Great Britain and Northern Ireland	Numbering misuse – A tutorial
RGQ/46	2015-02-26	India (Republic of)	Input for Question 6/1
RGQ/38	2015-02-25	Cameroon (Republic of)	Consumer protection in respect of electronic communication products and services in Cameroon
RGQ/22	2014-09-08	Democratic Republic of the Congo	DRC's experience with regulatory policy on ICT consumer protection
RGQ/12 (Rev.1)	2014-12-15	Rapporteurs for Question 6/1	Draft work plan for Question 6/1

Web	Received	Source	Title
1/52	2014-08-28	China (People's Republic of)	Recent progress in the field of telecommunications consumers
1/44	2014-08-13	BDT Focal Point for Question 6/1	List of resources which may be useful for the work on Question 6/1
1/41	2014-08-05	Côte d'Ivoire (Republic of)	Externalisation de la gestion client: impact des calls center sur le droit de recours des consommateurs auprès du service clientèle
1/38 +Ann.1	2014-08-04	Telecommunication Development Bureau	Quality of Service Training Programme (QoSTP)
1/36	2014-07-31	Brazil (Federative Republic of)	Consumers website in Brazil
1/35	2014-07-31	Brazil (Federative Republic of)	General regulation on consumer rights of telecom services

Contributions for QAll for Rapporteur Group and Study Group meetings

Web	Received	Source	Title
1/458 +Ann.1	2017-03-17	Telecommunication Development Bureau	Feedback received through the survey on ITU-D Study Group Questions, Procedures, and Proposals on Future Activities
1/457	2017-03-17	Telecommunication Development Bureau	Innovation activities in ITU-D
1/454	2017-03-15	Russian Federation	Proposals for the revision and rearrangement of ITU-D Study Groups 1 and 2' Study Questions
1/447 +Ann.1-2	2017-03-09	Rapporteur for Question 9/2	Analysis of feedback received through the global survey on the work of ITU-D study groups
1/434	2017-02-22	Vice-Chairman, ITU-D Study Group 2, and Co-Rapporteur for Question 8/2	Study Groups, study Questions, and working method for WTDC-17
1/432 +Ann.1	2017-02-17	Côte d'Ivoire (Republic of)	Draft texts for the revision of the study Questions and new Questions for the period 2018-2021
1/431	2017-02-17	Côte d'Ivoire (Republic of)	Proposal for new Question on Internet of Things for the study period 2018-2021
1/396	2017-01-30	Chairman, ITU-D Study Group 1, Vice-Chairman, ITU-D Study Group 1	Survey on ITU-D Study Group Questions, Procedures, and Proposals on Future Activities
1/371	2016-09-07	Telecommunication Development Bureau	Update on innovation activities to ITU-D Study Groups
1/332	2016-08-05	General Secretariat	WSIS Stocktaking 2014-2016 Regional Reports of ICT Projects and Activities
1/331	2016-08-05	General Secretariat	WSIS Prizes 2016-2017

Web	Received	Source	Title
1/330	2016-08-05	General Secretariat	WSIS Stocktaking 2016-2017
1/310	2016-08-04	General Secretariat	WSIS Action Line Roadmaps C2, C5 and C6
1/309	2016-08-04	General Secretariat	ITU's Contribution to the Implementation of the WSIS Outcomes 2016
1/307	2016-08-04	General Secretariat	WSIS Forum 2016 and SDG Matrix
1/306	2016-08-04	General Secretariat	WSIS Action Lines Supporting Implementation of the SDGs
1/305	2016-08-04	General Secretariat	WSIS Forum 2016: High Level Track Outcomes and Executive Brief
1/304	2016-08-04	General Secretariat	WSIS Forum 2016 Outcome Document – Forum Track
1/303 (Rev.1)	2016-08-04	General Secretariat	WSIS Forum 2017 – Open Consultation Process
1/253 (Rev.1) +Ann.1	2016-05-31	Chairman, ITU-D Study Group 1	Compendium of Draft Outlines for expected outputs to be produced by ITU-D Study Group 1 Questions and Resolution 9 (September 2016)
RGQ/204	2016-03-18	BDT Focal Point for Question 8/1 and Resolution 9	Outcomes of RA-15,WRC-15 and CPM19-1 related to ITU-D
RGQ/152	2016-02-18	Kazakhstan (Republic of)	Contribution from Kazakhstan to Questions 1/1, 2/1, 3/1, 4/1, 5/1, 6/1, 7/1, 8/1 and 5/2
1/232 +Ann.1	2015-09-13	Chairman, ITU-D Study Group 1	Work plan for ITU-D Study Group 1 (September 2015)
1/231 (Rev.1)	2015-09-04	Chairman, ITU-D Study Group 1	Compendium of Draft Outlines for Expected Outputs to be Produced by ITU-D Study Group 1 Questions and Resolution 9 (September 2015)
1/229 (Rev.1)	2015-09-02	Argentine Republic	Draft new Resolution: “Telecommunication/ICT accessibility for persons with disabilities and persons with specific needs”
1/228 (Rev.1)	2015-09-02	Argentine Republic	Modification of the Resolution ITU-R 61 “Contribution in implementing the outcomes of the World Summit on the Information Society”
1/200	2015-08-25	Telecommunication Development Bureau	ITU-D Study Groups Innovation update
1/183	2015-08-07	Telecommunication Development Bureau	1st ITU-D Academia Network Meeting
1/145	2015-07-24	General Secretariat	WSIS Forum 2015: High level policy statements, Outcome document, Reports on WSIS Stocktaking

Web	Received	Source	Title
1/126	2015-07-06	Uganda (Republic of)	Increasing women's participation in ITU Study Groups' work
1/125	2015-06-29	BDT Focal Point for Question 1/1	ITU GSR15 discussion papers and best practice guidelines
1/70	2014-09-18	Chairman, ITU-D Study Group 1	Appointed Rapporteurs and Vice-Rapporteurs of ITU-D Study Group 1 Questions for the 2014-2018 period
1/66	2014-09-04	Telecommunication Development Bureau	List of information documents
1/65	2014-09-03	Australia, Samoa (Independent State of), United Kingdom of Great Britain and Northern Ireland, Vanuatu (Republic of)	Numbering misappropriation
1/64	2014-09-03	Intel Corporation	New question for ITU-D Study Group 1 (2014-2018): Assistance to developing countries for the implementation of ICT programs in education
1/50	2014-08-28	United States of America	Selected recent developments in U.S. spectrum management
1/48	2014-08-23	Nepal (Republic of)	Need for developing detailed table of contents for each Question under both the ITU-D Study Groups at the beginning
1/38 +Ann.1	2014-08-04	Telecommunication Development Bureau	Quality of Service Training Programme (QoSTP)
1/22	2014-06-27	BDT Focal Point for Question 1/1	Status report on Regulatory and Market Environment
1/5 (Rev.1-2)	2014-09-08	Telecommunication Development Bureau	Candidates for Rapporteurs and Vice-Rapporteurs of ITU-D Study Group 1 and 2 study Questions for the 2014-2018 period
1/4	2014-09-01	Telecommunication Development Bureau	List of WTDC Resolutions and ITU-D Recommendations relevant to the work of the ITU-D Study Groups
1/3	2014-08-20	Telecommunication Development Bureau	Resolution 9 (Rev. Dubai, 2014): Participation of countries, particularly developing countries, in spectrum management
1/2 +Ann.1	2014-08-20	Telecommunication Development Bureau	Resolution 2 (Rev. Dubai, 2014): Establishment of study groups + Full text of all ITU-D Study Group 1 Questions in Annex 1
1/1	2014-06-11	Telecommunication Development Bureau	Resolution 1 (Rev. Dubai, 2014): Rules of procedure of the ITU Telecommunication Development Sector

Liaison Statements

Web	Received	Source	Title
1/446	2017-03-03	ITU-T Study Group 11	Liaison Statement from ITU-T SG11 to ITU-D Study Group 1 Question 6/1 and to Study Group 2 Question 4/2 on ITU-T SG11 work on the combat of counterfeit ICT devices and mobile device theft
1/433	2017-02-22	ITU-T Study Group 11	Liaison Statement from ITU-T SG11 to ITU-D SG1 Questions 2/1, 3/1, 6/1 on Operational Plan for implementation of WTSA-16 Resolution 95
1/257	2016-06-28	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 and SG2 on revised definition of Quality of Experience (QoE) and new terms in Rec. P.10/G.100
1/256	2016-06-28	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 and SG2 on ITU inter-Sector coordination (reply to TSAG LS17)
RGQ/127	2015-12-21	ITU-T Study Group 11	Liaison statement from ITU-T SG11 to ITU-D Study Group 1 and 2 on the progress on standardization work to combat Counterfeit ICT devices
RGQ/6	2014-11-27	ITU-T Study Group 11	Liaison Statement from ITU-T SG11 to ITU-D Study Groups on the Progress on the Technical Report on Counterfeit ICT Equipment
RGQ/3	2014-09-12	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 Q6/1 on indices

Liaison Statements for QAll

Web	Received	Source	Title
1/460	2017-03-17	ITU-T JCA-AHF	Liaison Statement from ITU-T JCA-AHF to ITU-D SG1 on recent meeting reports of Joint Coordination Activity on Accessibility and Human Factors (JCA-AHF)
1/456	2017-03-17	ITU-T JCA-AHF	Liaison Statement from ITU-T JCA-AHF to ITU-D SG1 on Call for voluntary contributions to the ITU Accessibility Fund
1/398	2017-01-31	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 and SG2 on operational plan for implementation of WTSA-16 Resolution 95 (Hammamet, 2016)
RGQ/260	2016-10-31	ITU-T Study Group 15	Liaison Statement from ITU-T SG15 to ITU-D Study Groups 1 and 2 on the latest version of the Access Network Transport (ANT), Smart Grid and Home Network Transport (HNT) Standards Overviews and Work Plans
1/287	2016-07-29	TSAG	Liaison Statement from TSAG to ITU-D Study Groups on ITU inter-sector coordination
1/286	2016-07-29	ITU-T JCA-AHF	Liaison statement from ITU-T JCA-AHF Chairman to ITU-D SG1 on JCA-AHF recent meeting report
1/257	2016-06-28	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 and SG2 on revised definition of Quality of Experience (QoE) and new terms in Rec. P.10/G.100

Web	Received	Source	Title
1/256	2016-06-28	ITU-T Study Group 12	Liaison Statement from ITU-T SG12 to ITU-D SG1 and SG2 on ITU inter-Sector coordination (reply to TSAG LS17)
RGQ/204	2016-03-18	BDT Focal Point for Question 8/1 and Resolution 9	Outcomes of RA-15,WRC-15 and CPM19-1 related to ITU-D
RGQ/186	2016-03-09	ITU-R Study Groups-Working Party 5D (IMT System)	Liaison statement from ITU-R WP 5D to ITU-D SG1 on Working document towards a preliminary draft new report ITU-R SM.(innovative regulatory tools)
RGQ/181	2016-03-07	ITU-T Study Group 15	Liaison statement from ITU-T SG15 to ITU-D SG1 and 2 on the latest version of the Access Network Transport (ANT), Smart Grid and Home Network Transport (HNT) Standards Overviews and Work Plans
RGQ/172	2016-03-03	ITU-D Study Group 1	Liaison statement from ITU-T Study Group 15 to ITU-D SG 1 and 2 on ITU-T SG15 OTNT standardization work plan
RGQ/171	2016-03-03	ITU-T Study Group 15	Liaison statement from ITU-T Study Group 15 to ITU-D SG 1 and 2 on new technical classification and numbering of ITU-T L-Series Recommendations
RGQ/139	2016-02-08	TSAG	Liaison statement from TSAG to ITU-D study groups 1 and 2 on ITU inter-Sector coordination
RGQ/124	2015-11-18	ITU-R Study Group Department	Liaison statement from ITU-R Study Group Department to ITU-D SG 1 and 2 on Resolutions approved at the Radiocommunication Assembly (RA-15)
RGQ/118	2015-09-29	Asia-Pacific Telecommunity (APT)	Liaison statement from the APT Standardization Program Forum (ASTAP) to ITU-D Study Group 1 and 2 on NGN activities
1/202	2015-08-24	ITU-T JCA-AHF	Liaison Statement from ITU-T JCA-AHF, Chairman to ITU-D SGs on Draft meeting report of Joint Coordination Activity on Accessibility and Human Factors (JCA-AHF) in Geneva on 17 June 2015
1/128	2015-07-10	ITU-T Study Group 15	Liaison Statement from ITU-T SG15 to ITU-D SGs on the latest versions of the Access Network Transport (ANT), Smart Grid and Home Network Transport (HNT) Standards Overviews and Work Plans
1/127	2015-07-04	ITU-T Study Group 15	Liaison Statement from ITU-T SG15 to ITU-D SGs on ITU-T SG15 OTNT standardization work plan
1/124	2015-07-12	TSAG	Liaison Statement from TSAG to ITU-D Study Groups on ITU inter-sector coordination
1/120	2015-06-23	ITU-R Study Groups-Working Party 1B	Liaison Statement from ITU-R WP1B to ITU-D Study Group 1 on Working document towards a preliminary draft new report ITU-R SM on Innovative regulatory tools

Web	Received	Source	Title
1/116	2015-05-19	ITU-T Focus Group on SSC	Liaison Statement from ITU-T FG-SSC to ITU-D SGs on Final deliverables of the Focus Group on Smart Sustainable Cities (FG-SSC) and proposal of a new Study Group
1/113	2015-05-12	ITU-T Study Group 13	Liaison Statement from ITU-T SG13 to ITU-D SGs on Development of the Roadmap on IMT
1/100	2015-04-30	ITU-T Study Group 11	Liaison Statement from ITU-T SG11 to ITU-D Study Groups on the progress on standardization work to combat Counterfeit ICT devices
1/99	2015-04-29	ITU-T Study Group 16	Liaison Statement from ITU-T SG16 to ITU-D SGs on ITU-D SG1 and SG2 Questions of interest to ITU-T Study Groups
1/98	2015-04-29	ITU-T Focus Group on Digital Financial Services	Liaison Statement from ITU-T Focus Group on Digital Financial Services (DFS) to ITU-D Study Groups on BDT's work on ITU m-Powering Development
1/97	2015-04-29	ITU-T Focus Group on Digital Financial Services	Liaison Statement from ITU-T Focus Group on Digital Financial Services (DFS) to ITU-D Study Groups concerning its work
RGQ/68	2015-03-03	ITU-T Study Group 16	Liaison Statement from ITU-T SG16 to ITU-D SGs on ITU-D SG1 and SG2 Questions of interest to ITU-T Study Groups
RGQ/28	2015-02-10	ITU-R Study Groups-Working Party 5D	Liaison Statement from ITU Radiocommunication Study Groups WP5D to ITU-D Study Groups concerning the Handbook on "Global Trends in IMT"
RGQ/27	2015-02-10	ITU-R Study Groups-Working Party 5D	Liaison Statement from ITU Radiocommunication Study Groups WP5D to ITU-D Study Groups concerning the Handbook on "Global Trends in IMT"
RGQ/21	2015-01-23	ITU-T FG DFS	Liaison Statement from ITU-T Focus Group on Digital Financial Services (DFS) to ITU-D Study Groups on BDT's work on ITU m-Powering Development
RGQ/20	2015-01-22	ITU-T FG DFS	Liaison Statement from ITU-T Focus Group on Digital Financial Services (DFS) to ITU-D Study Groups concerning its work
1/18	2014-05-23	ITU-T JCA-AHF	Liaison Statement from ITU-T Joint Coordination Activity on Accessibility and Human Factors (JCA-AHF) on Assistive Listening Devices (ALD) and the allocation of Mobile Phone Services in the 2.3-2.4 GHz band
1/16	2014-03-10	ITU-T Study Group 11	Liaison Statement from ITU-T Study Group 11 to ITU-D SG1 and SG2 on Request for status update from GSMA and ITU on proposed studies on the issue of mobile theft, grey market and counterfeit devices
1/15 (Rev.1)	2014-03-10	ITU-T Study Group 11	Liaison Statement from ITU-T Study Group 11 to ITU-D SG1 and SG2 on Technical report on counterfeit equipment

Web	Received	Source	Title
1/12	2014-02-10	ITU-T Focus Group on Innovation	Liaison Statement from the ITU-T FG on Innovation to ITU-D SG1 and SG2 on New Standardization Activities for ITU-T study groups and ICT Innovation Panel
1/9	2013-10-22	ITU-T Focus Group on Innovation	Liaison Statement from the ITU-T FG on Innovation to ITU-D SG1 and SG2 on inputs on ICT innovation panel

Annex 2: Summary of workshops, meetings or training activities

India workshop in March 2016

Rapid technological change and its impact on consumer behavior is taking place within an increasingly liberalized market place in which the global drive to compete brings new challenges to both existing and nascent regulatory authorities.

In order to ensure that consumers benefit fully from the services the Internet / broadband has to offer, regulators need to ensure that networks are efficient and reliable, widely accessible (including in remote rural areas) and affordable. In order to encourage private investment in the infrastructure needed to meet those objectives, regulators need to create an environment in which communications investment is commercially viable, whilst at the same time promoting competition to increase choice and drive down prices. The challenge for regulation is to promote favorable market conditions in which competition can flourish and foster innovation, whilst at the same time ensuring that consumers' interests are protected.

The ITU-TRAI Training on Consumer Protection aimed at sharing real experiences, brainstorming on possible solutions to address existing as well as emerging challenges amongst telecommunication, broadcasting and converged ICT regulators in the area of protecting consumers in the digital age.

Website: <http://www.itu.int/en/ITU-D/Regional-Presence/AsiaPacific/Pages/Events/2016/Mar-ITU-TRAI/home.aspx>.

Table 1A includes the agenda for the workshop.

Table 1A: Agenda for India workshop in March 2016

	Day 1: Monday 21 March	Day 2: Tuesday 22 March	Day 3: Wednesday 23 March
9:00 – 9.30	Registration and TEA/COFFEE	TEA/COFFEE	TEA/COFFEE
9.30 – 10.30	<p>Welcome Welcome address: Mr Sudhir Gupta, Secretary, TRAI</p> <p>Welcome and brief of the program: Mr. Sameer Sharma, Senior Advisor, ITU</p> <p>Keynote Address : Dr. Syed Ismail Shah, Chairman PTA</p> <p>Inaugural address : Mr. R.S. Sharma, Chairman, TRAI</p> <p>Vote of thanks : Mr. C.P.S Bakshi, Advisor, TRAI</p> <p>Group Photo</p>	<p>Special Address: Regulatory Initiatives on QoS and Consumer Protection in Thailand: Mr. Takorn Tantasith, Secretary General, NBTC, Thailand</p> <p>Session 4: Quality of Service Monitoring in India</p> <p>Regulatory framework on Quality of Service: Mr. A. Robert Ravi, Advisor TRAI</p> <p>Framework of QoS monitoring and implementation in India : Mr Chandra Prakash, Member (T) (Rtd.)</p> <p>Regulating Unsolicited Commercial Communications: Service Provider’s Perspective : Mr. Anurag Jain, Airtel</p> <p>Implementation of the Metering and Billing Standards: Mr. Apoorva Yatindra, M/s Anil Ashok & Associates</p> <p>Audit & assessment of QoS parameters of TSPs in India : Mr. Biswapriya Bhattacharjee, Vice President, IMRB International</p> <p>Session Chair : Mr. U. K. Srivastava, Pr. Adv TRAI</p>	<p>Session 8: Emerging issues for consumers for online services : The Reconnecting the Customer Inquiry, International Mobile Roaming regulation, Australian Internet Security Initiative for the reduction of malware and botnets</p> <p>Ms. Jennifer McNeill, General Manager, Content, Consumer & Citizen, ACMA, Australia</p> <p>Protecting rights of consumers for online services: Ms. Andiranga Nongkas, Principal Consumer Analyst, NICTA, Papua New Guinea</p> <p>Session Chair : Dr. Syed Ismail Shah, Chairman PTA, Pakistan</p>
10.30 – 11.00	MORNING TEA	MORNING TEA	MORNING TEA

	Day 1: Monday 21 March	Day 2: Tuesday 22 March	Day 3: Wednesday 23 March
11.00 – 12.30	<p>Session 1 : Consumer Protection in Telecom and Broadcasting sector: Indian Perspective and framework</p> <p>Initiatives taken by TRAI to safeguard consumers interest : Mr. Agneshwar Sen Advisor, TRAI</p> <p>Consumer issues in India: Mr Apoorva Mehrotra, Business head, Vodafone</p> <p>Consumer Issues : Mr. George Cheriyan, Director CUTS International</p> <p>Making it Easy & Simple for Customers to use Broadcasting Services : Mr. Harit Nagpal , CEO, TataSky</p> <p>Session Chair: Mr. Sameer Sharma, Senior Advisor, ITU</p>	<p>Session 5: QoS and Consumer Protection</p> <p>Quality of Service Monitoring and Consumer Protection :Provisions of QoS and Consumer Protection, Initiatives to protect consumer interests, Issues and challenges : Dr. Syed Ismail Shah, Chairman PTA, Pakistan</p> <p>Provisions , reporting and enforcement of QoS: Mr. Murun Ganbold, Expert, Regulatory Dept., CRC, Mongolia</p> <p>Quality of Service Compliance: Reporting mechanism, Consumer complaint redressal mechanism, Challenges and innovative techniques: Mr. Satha Touch, Licensing Officer, TRC Cambodia</p> <p>Session Chair : Ms. Jennifer McNeill, General Manager, Content, Consumer & Citizen, ACMA, Australia</p>	<p>Session 9: Consumer Protection : Challenges and Way Foreword</p> <p>Session Chair : Mr. S.K Gupta, Pr. Adv TRAI</p> <p>Mr. Sameer Sharma, Senior Advisor, ITU</p> <p>Ms. Jennifer McNeill, General Manager, Content, Consumer & Citizen, ACMA, Australia</p> <p>Dr. Syed Ismail Shah, Chairman PTA, Pakistan</p> <p>Ms. Sharizan Abdul Aziz, MCMC, Malaysia</p> <p>Closing Ceremony :</p> <p>Mr. Sameer Sharma, Senior Advisor, ITU</p> <p>Mr. R.S. Sharma, Chairman, TRAI</p>
12.30 – 14.00	LUNCH	LUNCH	LUNCH
14.00 – 15.30	<p>Session 2: Protecting consumer interest in broadband services: ICT development trends, Consumer Protection , Quality of Service framework : Sameer Sharma, ITU</p> <p>Consumer protection under broadband convergent world-How China is taking actions: Pricing, QoS promise and Speed Monitoring : Dr. CHEN Jinqiao, Deputy Chief Engineer, CAICT, MIIT, P.R. China</p> <p>Session Chair : Mr. U. K. Srivastava, Pr. Adv TRAI</p>	<p>Session 6: Monitoring broadband quality of service and Consumer complaint handling mechanism</p> <p>Monitoring broadband quality of service: Ms.Hemali Menaka Pathirana, Deputy Director Compliance (Consumer Complaints/Public Awareness), TRCSL Sri Lanka</p> <p>Consumer complaint handling mechanism: Mr. Roger Jimmy, Consumer Affairs Officer, TRR , Vanuatu</p> <p>Session Chair: Ms. Sharizan Abdul Aziz, MCMC, Malaysia</p>	
15.30 – 16.00	AFTERNOON TEA	AFTERNOON TEA	
16.00 – 17.00	<p>Session 3: Consumer Protection in Era of Online Services : EU</p> <p>Case Study : Mr. Klaus Pendl, European Union</p>	<p>Session 7: Consumer protection in the digital era</p> <p>Framework of QOS monitoring & QOS Parameters , audit and reporting , Ms. Sharizan Abdul Aziz, MCMC Malaysia</p>	

Some common lessons that emerged out of this discussions / interactions as follows:

- Consumer protection is a long term investment in trust, loyalty and not simply a cost centre;
- Promote consumer involvement and awareness;
- Ensure accurate reliable information is available;
- Ensure consumers have access to effective redressal mechanism;
- Enforceability of standards where necessary;
- Global response to security concerns;
- Engage industry before during and after regulatory mechanisms are invoked and encouraging industry to resolve consumer and quality issues through collaborations, engagements, education and awareness.

People’s Republic of China workshop in November 2016

ICTs are recognized as the foundation upon which the pillars of economic and social development can grow. There is increased recognition that we need ecosystems that include not only ICT/ telecommunication operators and service providers, but also banks and other partners, to connect the world and create value for business. This will bring regulatory questions and opportunities for business and consumers. As the Internet of Things is impacting people and societies, there are issues that regulators and policy makers, as well as consumers, face with regard to business models, e-commerce, cross-border transactions and communications. We need to work together to create an inclusive dialogue to foster an enabling regulatory environment between regulators across the sectors and remove the barriers that hinder progress for consumers.

ITU-D Study Group 1 Question 6/1 dedicated to “Consumer information, protection and rights: Laws, regulation, economic bases, consumer networks” has as one of its outcomes requested by WTDC-14, the organization of seminars in all regions on consumer protection, covering areas such as consumer information, protection and rights, laws, economic and financial bases, and consumer networks. In this regard, the workshop on 10 and 11 November 2016 focused on “Consumer protection in a digital collaborative economy”.

The Question 6/1 expert meeting on 9 November 2016 aimed to further progress the ongoing work on Question 6/1 on developing practical guidelines for consumer protection and as such will prepare inputs for consideration during the January 2017 ITU-D Study Group 1 Question 6/1 Rapporteur Group meeting.

Table 2A includes the workshop agenda.

Table 2A: Agenda for China workshop in November 2016

8 November		
Time	Agenda item	Venue
15:30-21:30	Arrival and registration	CQUPT Hotel
18:30-19:30	Dinner	CQUPT Hotel
9 November		
Time	Agenda item	Venue

8:30-10:00	Expert Meeting 1. Review the expected content/outline for the Question 6/1 expected deliverables for the 2014-2017 study period 2. Review the draft Final Report for Question 6/1	Conference Room 203 in Yifu Building
10:00-10:30	Coffee/tea break	
10:30-12:00	Expert Meeting 1. Consider/discuss contributions and input that have not yet been incorporated into the Q6/1 deliverables and propose action to be taken 2. Discuss the work plan, actions and agree on meeting outputs to be presented to the January 2017 Question 6/1 Rapporteur Group meeting (revised Draft Report, Guidelines, possible Draft Recommendation, etc.) 3. Discuss interesting topics in consumer protection that could be worth considering for study during the next study period 4. Any other business	Conference Room 203 in Yifu Building
12:00-13:00	Lunch	CQUPT Hotel
13:00-14:00	Lunch Break (Free Time)	
14:00-18:00	Visit: Chongqing City Planning Museum and Smart Zone	Chongqing Downtown
18:30-19:30	Dinner reception hosted by China Telecom Chongqing Branch	Road Nanbin
10 November		
Time	Agenda item	Venue
8:30-9:15	Opening Ceremony Host: Prof. Wan Xiaoyu, Dean, School of Economics and Management, Chongqing University of Posts and Telecommunications 1. Introduction to the guests 2. Speech by Mr. Zhang Huan, Ministry of Industry and Information Technology 3. Speech by representative from co-organizers - Ms. Xu Hong, Deputy Director General, Chongqing Administration of Communication - Prof. Li Lin, Schoolmaster, Chongqing University of Posts and Telecommunications. 4. Speech by Ms. Sofie Maddens, Head of Regulatory and Market Environment Division, ITU 5. Group photo	Lecture Hall in Yifu Building

9:15-10:15	<p>Workshop theme 1: Are current consumer protection measures suitable for connecting the world and the Internet of things?</p> <p>Moderator: Dr. Chen Jinqiao, Co-Rapporteur of Question 6/1 for ITU-D Study Group 1, Deputy Chief Engineer of CAICT, MIIT</p> <ol style="list-style-type: none"> 1. Invitation Report: Mr. Chen Yuping, Secretary General, National Telecom User Committee 2. Invitation Report : Ms. Yin Yuan, Vice-President, China Telecom Chongqing company 3. Invitation Report: Mr. Wu Suoning, Chief Editor, People’s Post 4. Discussion 	Lecture Hall in Yifu Building
10:15-10:40	Coffee/tea break	
10:40-11:40	<p>Workshop theme 2: Can digital platform enable consumers and entrepreneurs?</p> <p>Moderator: Mr. Bohyun Seo, TDAG Vice-Chairman, Expert from the Republic of Korea</p> <ol style="list-style-type: none"> 1. Invitation Report: Ms. Sofie Maddens, Head of Regulatory and Market Environment Division, ITU 2. Invitation Report: Vice-President of China Mobile Chongqing Company 3. Invitation Report: Mr. Liu Xuehui, Product Manager, Incorporated China Branch, Qualcomm 4. Discussion 	Lecture Hall in Yifu Building
12:00-13:00	Lunch: buffet	CQUPT Hotel
13:00-14:00	Lunch Break (Free Time)	
14:00-15:00	<p>Workshop theme 3: Information consumption in Chongqing</p> <p>Moderator: Mr. Wu Suoning, Chief Editor, People’s Post</p> <ol style="list-style-type: none"> 1. Invitation Report: Leader of Chongqing Economic and Information Committee 2. Invitation Report: Ms. Xu Xiaoli, Inspector General, Consumer experiment in North East Asia, Ericsson 3. Invitation Report: Prof. Wan Xiaoyu, Dean, School of Economics and Management, Chongqing University of Posts and Telecommunications 4. Invitation Report: Representative from Chongqing internet company 5. Discussion 	Lecture Hall in Yifu Building
15:00-15:20	Coffee/tea break	

15:20-16:20	<p>Workshop theme 4: Channels available for payment - International Mobile Roaming</p> <p>Moderator: Mr. Zhou Jianming, Senior General Manager, China Mobile Group</p> <ol style="list-style-type: none"> 1. Invitation Report: Prof. Zeng Jianqiu, Beijing University of Posts and Telecommunications 2. Invitation Report: Ms. Venerande Mukamurera, Expert representative from Rwanda 3. Invitation Report: Vice-President of China Unicom Chongqing Company 4. Discussion 	Lecture Hall in Yifu Building
16:20-16:40	Coffee/tea break	
16:40-17:40	<p>Workshop theme 5: Protect consumers in a global e-Commerce world</p> <p>Moderator: Mr. Me. Moshiur Rahman, Expert representative from Bangladesh</p> <ol style="list-style-type: none"> 1. Invitation Report: Secretary General, Chong Qing Consumer Protection Committee 2. Invitation Report: Dr. Gu Qifeng, Deputy Dean, BiMBA Project, National Development Research of Beijing University 3. Invitation Report: Mr. Zian Shah Kabir, Expert representative from Bangladesh 4. Discussion 	Lecture Hall in Yifu Building
18:30-19:30	Welcome dinner	CQUPT Hotel
11 November		
Time	Agenda item	Venue
8:30-11:30	Investigation: Smart health and broadband village	Chongqing Tongnan
12:00-13:30	Lunch	Chongqing Tongnan
14:00-15:30	Investigation: Smart school	University Town
18:30-19:30	Dinner	CQUPT Hotel

Workshop theme 1: Are current consumer protection measures suitable for connecting the world and the Internet of things?

Moderator: Dr. Chen Jinqiao, Co-Rapporteur of Question 6/1 for ITU-D Study Group 1, Deputy Chief Engineer of CAICT, MIIT

Invitation Report: Mr. Chen Yuping, Secretary General, National Telecom User Committee:

[Presentation]

Invitation Report: Ms. Yin Yuan, Vice-President, China Telecom Chongqing company *[Presentation]*

Invitation Report: Mr. Wu Suoning, Chief Editor, People's Post

Discussion

Workshop theme 2: Can digital platform enable consumers and entrepreneurs?

Moderator: Mr. Bohyun Seo, TDAG Vice-Chairman, Expert from the Republic of Korea

Invitation Report: Ms. Sofie Maddens, Head of Regulatory and Market Environment Division, ITU
[\[Presentation 1\]](#) [\[Presentation 2\]](#)

Invitation Report: Vice-President of China Mobile Chongqing Company

Invitation Report: Mr. Liu Xuehui, Product Manager, Incorporated China Branch, Qualcomm
[\[Presentation\]](#)

Discussion

Workshop theme 3: information consumption in Chongqing

Moderator: Mr. Wu Suoning, Chief Editor, People's Post

Invitation Report: Leader of Chongqing Economic and Information Committee [\[Presentation\]](#)

Invitation Report: Ms. Xu Xiaoli, Inspector General, Consumer experiment in North East Asia, Ericsson
[\[Presentation\]](#)

Invitation Report: Prof. Wan Xiaoyu, Dean, School of Economics and Management, Chongqing University of Posts and Telecommunications [\[Presentation\]](#)

Invitation Report: Representative from Chongqing internet company [\[Presentation\]](#)

Discussion

Workshop theme 4: channels available for payment – international mobile roaming

Moderator: Mr. Zhou Jianming, Senior General Manager, China Mobile Group [\[Presentation\]](#)

Invitation Report: Prof. Zeng Jianqiu, Beijing University of Posts and Telecommunications [\[Presentation\]](#)

Invitation Report: Ms. Venerande Mukamurera, Expert representative from Rwanda

Invitation Report: Vice-President of China Unicom Chongqing Company

Discussion

Workshop theme 5: protect consumers in a global e-Commerce world

Moderator: Mr. Me. Moshir Rahman, Expert representative from Bangladesh

Invitation Report: Secretary General, Chong Qing Consumer Protection Committee

Invitation Report: Dr. Gu Qifeng, Deputy Dean, BiMBA Project, National Development Research of Beijing University

Invitation Report: Mr. Zian Shah Kabir, Expert representative from Bangladesh

Discussion

- Expert meeting for Q6/1 and workshop on consumer protection report can be found at: <http://www.itu.int/oth/D0708000010/>.

Benin workshop in March 2017

The International Telecommunication (ITU) Regional Forum on Consumer Information, Protection and Rights for Africa organized by the Telecommunication Development Bureau (BDT), in collaboration with the Government of the Republic of Benin, the Network of African Consumers in ICT (RéCATIC) and the Regulatory Authority of Postal and Electronics Communications (ARCEP) provided a platform for sharing experiences to address existing as well as emerging challenges amongst telecommunication, broadcasting and converged ICT policy makers, regulators and the industry in the area of consumers' rights and protection in the digital age.

The International Telecommunication (ITU) Regional Forum on Consumer Information, Protection and Rights for Africa organized by the Telecommunication Development Bureau (BDT), in collaboration with the Government of the Republic of Benin, the Network of African Consumers in ICT (RéCATIC) and the Regulatory Authority of Postal and Electronics Communications (ARCEP) provided a platform for sharing experiences to address existing as well as emerging challenges amongst telecommunication, broadcasting and converged ICT policy makers, regulators and the industry in the area of consumers' rights and protection in the digital age.

Table 3A: Agenda for Benin workshop in March 2017

Day 1: Tuesday 14th March	
9.00-9.30	Registration
9.30- 10.15	<p>Opening Ceremony</p> <p>Welcome address: Romain Houéhou, Secretary-General ,RéCATIC</p> <p>Keynote address: Ali Drissa Badiel, ITU Area Representative, West Africa</p> <p>Keynote address: Flavien Bachabi, Chairman, ARCEP</p> <p>Opening address: H.E. Rafiatou Monrou, Minister Digital Economy and Communication, Benin</p>
10:15-10:45	Coffee Break
10:45- 12:00	<p>Session 1: A Macro – Overview – ICT4SDG and Consumer Protection: This session reviews the role of ICTs as a foundation for economic and social development-What do SDGs mean for consumers in Africa and what is the role of ICTs in achieving the SDGs</p> <p>1.1 Global ICT trends, SDGs and implication for Consumer –Ali-Drissa Badiel, ITU</p> <p>1.2 International, Regional & global partnership for SDGs – UNDP Benin</p> <p>1.3 Sustainable Development: Using What We Have to Get What We Need – Shola Sanni, Policy Manager, GSMA-Africa</p> <p>1.4 The Equity Challenges –Russell Southwood – Balancing Act Africa</p>
12:00-13:00	<p>Session 2: Institutional Frameworks and Practices – Policy, Regulation & Advocacy: The session explores the current concepts and issues pertaining to the implementation of right protection & institutional frameworks at global and regional level and national level.</p> <p>2.1 Meriem Slimani, Standardization and Development Coordinator, African Telecommunications Union (ATU)</p> <p>2.2 Representative of ARCEP Benin / ReCATIC</p> <p>2.3 Reuben Gwatidzo -Consumer Advocacy Zimbabwe</p>
13:00-14:00	Lunch

14:00- 15:30	<p>Session 3: Connecting the Unconnected: Technology and Financing</p> <p>Developments and Challenges: The session will explore New technologies for developments: infrastructure, broadband rollout plans, IPv6, Internet exchange points (IXP) and the impact on international transit in Africa; How can technology lead to content creation and vice-versa and the need to revising UAS to achieve connectivity.</p> <p>3.1 Global and regional initiatives and approaches – Ali-Drissa Badiel, ITU</p> <p>3.2 National frameworks and practices; Burkina Faso case study by Joseph NANA, CT-MDENP</p> <p>3.3 Gambia – The “Bantaba Outreach’ by Solo SIMA, Director Consumer Affair PURA</p>
15:30- 16:00	Coffee/Tea Break
16:00- 16:45	<p>Session 4: Round table</p> <p>Moderator: Russell Southwood</p> <p>The round table examines the policy, regulatory and advocacy gaps, challenges and solutions for Consumer Protection and Rights in Africa.</p> <p>4.1 Aminata Kaba, Directrice Générale Adjointe, Autorité de Régulation des Postes et Télécommunications (ARPT)</p> <p>4.2 ARCEP/Benin</p> <p>4.3 Ghislaine Carine Essomba Avom – Central Africa Telecommunications Regulators Assembly (ARTAC)</p>
Day 2: Wednesday, 15th March	
9.00-9.15	Recap of day 1 session – Chairman of the forum/ITU
9.15- 10.30	<p>Session 5: Consumer protection and Quality of service – This session will examine the consumer protection measures adopted in the broadband & IoT era with a focus on QoS and QoE.</p> <p>5.1 QoS and the Digital Tsunami Shola Sanni, Policy Manager, GSMA Africa</p> <p>5.2 QoS frameworks, audit and assessment of QoS parameters for digital services, enforcement and redress mechanisms – Country case studies</p> <p>a. Burkina Faso – Joseph Nana, CT-MDENP</p> <p>b. Ghana – Abed BANDIM – NCA</p> <p>c. Nigeria – Hadiza Kachallah – NCC</p>
10:30-11:00	Coffee break
11:00- 12:00	<p>Session 6: Consumer Affordability and Entrepreneurship – The session will examine the tariff monitoring and regulatory approaches adopted to protect consumers from excessive pricing, the mechanisms for enhancing consumer price awareness in the digital environment including price bundles and OTTs.</p> <p>6.1 The App Economy and implication for consumer protection and Rights – Andre ONANA – ESMT</p> <p>6.2 International mobile roaming, tariff and costing practices – Anne Rita Ssemboga, ITU</p> <p>6.3 Price awareness and monitoring approaches for consumer protection Country experience:</p> <p>a. Reuben Gwatidzo – Consumer Advocacy Zimbabwe</p> <p>b. Suzy Owona – ART Cameroon</p>

12:00- 13:00	<p>Session 7: Platforms to empower consumers and entrepreneurship – Case studies on digital financial inclusion:</p> <p>7.1 Global Symposium paper on DFS – Ms. Anne Rita Ssemboga ITU, 7.2 Best practices: country experience, operator experience</p> <p>a. Cote d’ivoire – <i>Peya Bridgette</i> b. Benin central bank c. MTN Mobile Money SA/ASMAB</p>
12:45- 14:00	Lunch break
14:00- 15:30	<p>Session 8: Emerging issues for consumers’ for online protection – Session examines how consumers can be protected in a global world of e-commerce (mobile devices, mobile/ online payments, counterfeit devices).</p> <p>8.1 Global consumer protection of e-Commerce – <i>Andre Onana – ESMT</i> 8.2 Safe & Secure Mobile Experience: The Key Issues – <i>Shola Sanni, Policy Manager, GSMA-Africa</i> 8.3 Country experience – <i>Gwa Tobbie Mohammed, NCC, Nigeria</i></p>
15:30- 16:00	Tea break
16:00- 16:45	<p>Session 9- Round table discussion – Marking the World Consumers Rights Day -Theme: Building a digital world consumer can trust. Moderator: <i>Abile Romain Houehou, ReCATIC</i></p> <p>Panellists:</p> <p>a. <i>Agathe Affougnon</i> b. <i>Robin Accrombessi</i> c. <i>Hervé Guèdègbé</i> d. <i>Russell Southwood, Balancing Act</i></p>
Day 3 Thursday 16th March, 2017	
9.00-9.15	Recap of day 2- Chairman of the forum
9:15- 10.30	<p>Session 10: Child Online Protection – The session presents COP at the regional and international level highlighting the importance of international cooperation and regional harmonization.</p> <p>10.1 International cooperation and COP Guidelines, <i>Anne Rita Ssemboga ITU</i> 10.2 Policy and Practice- <i>Siakou Fall, Data Protection Commission CDP, Senegal</i> 10.3 The SADONUM Platform- <i>Fatou Ndiouck, BOYE</i></p>
10:30-11:00	Tea break

11:00- 12:00	<p>Session 11: Effective Information, education and communication strategies – The session will explore policy, regulatory and industry initiatives undertake to empower consumers in Africa and enhance their ICT knowledge and skills.</p> <p>Country case study</p> <p>11.1 Consumer Out Reach Programs in Uganda – Ibrahim Bbossa, UCC</p> <p>11.2 ICT Education and consumer outreach in Rwanda – Vénérande Mukamura, RURA</p> <p>11.3 The Kitsong and Digital literacy Program for Botswana –Suzan D. Jacobs, BOCRA</p>
12:00- 13:00	<p>Session 12: Round table – Take home: Collaborative partnerships models and approaches for consumer Information Protection and Rights for Africa- Requirements and way forward-</p> <p>Moderator: Aminata Kaba, Directrice Générale Adjointe, Autorité de Régulation des Postes et Télécommunications (ARPT) Anne Rita Ssemboga, ITU Presentation: collaborative Regulatory models</p> <p>Panelists:</p> <p>a. Abile Romain Houehou, ReCATIC</p> <p>b. Mariem Slamini, ATU Representative</p> <p>c. Shola Sanni, GSMA-Africa</p>
12:45- 14:00	Lunch break
14:00- 15:30	Closing Ceremony

The Forum was attended by 131 delegates from 21 countries including regional institutions and academia such as African Telecommunications Union (ATU), Ecole supérieure multinationale des télécommunications (ESMT) and GSMA-Africa. All presentations and materials are available at the Forum Website: <http://www.itu.int/en/ITU-D/Regulatory-Market/Pages/Events2016/Benin/Home.aspx>.

The forum reviewed a number of topical issues including:

- An overview of ICT4SDG and Consumer Protection and consumer protection and rights for Africa;
- The institutional frameworks, policy, regulation and advocacy for consumer protection at global and regional level and national level;
- Connecting the Unconnected: Technology and financing developments and challenges for infrastructure, broadband rollout plans and the need to revising UAS to achieve connectivity;
- Consumer protection and Quality of Service in the broadband & IoT era;
- Consumer Affordability and Entrepreneurship. The session examined the tariff monitoring and regulatory approaches adopted to protect consumers from excessive pricing, the mechanisms for enhancing consumer price awareness in the digital environment including price bundles and OTTs;
- Platforms to empower consumers and entrepreneurship: Case studies on digital financial inclusion;
- Emerging issues for consumers’ for online protection, examining how consumers can be protected in a global world of e-commerce (mobile devices, mobile/online payments, counterfeit devices);
- A round table discussion in commemoration of World Consumers Rights Day whose theme was ‘Building a digital world consumer can trust’;

- Child Online Protection;
 - Effective Information, education and communication strategies to empower consumers in Africa and enhance their ICT knowledge and skills.
1. The Forum acknowledged:
 - The Commemoration of the World Consumers rights Day Celebration which featured a round table discussion with a theme building a digital world consumer we can trust” with a call for increased cooperation at national and regional level on the promotion of consumer rights and advocacy.
 2. The Forum noted:
 - The contribution of ICTs and particularly of the mobile sector in Africa to the attainment of the SDGs in particular by facilitating direct employment and enhancing efficiencies to all sectors of the economy;
 - The slow rate of digital transformation due to inadequate infrastructure, affordability, gender and rural urban inequities – this affects the potential and impact of ICTs for SDGs;
 - With the growing economic and social importance of digitalization, there is a need to protect consumers using Internet services and to ensure that they can continue to use these services safely and securely. Safeguarding children & vulnerable persons online, mitigating fraud and security threats, as well as the sale & use of counterfeit devices are major concerns for consumers in Africa;
 - The inadequate legal and institutional frameworks for ICT consumer protection at regional and national level and the limited support provided by Governments and Regulator to ICT Consumer Associations and networks are barriers to effective consumer protection when using ICTs;
 - QoS and QoE remain a major concern for consumers in the region. This is heightened by an exceptional demand for data as well as by inadequate investment in infrastructure to match the demand and additional supply constraints such as high cost of international internet connectivity, insufficient power, counterfeit and poor quality networks and devices;
 - The growing significance of the APP economy in Africa; governments and regulators are still struggling to formulate responses to the multifaceted phenomenon; institutional frameworks, competition and consumer laws are lagging behind;
 - Traditional voice services have definite measurement criteria for tariffs and monitoring usage – i.e. per second or per minute call, the tools and mechanisms for monitoring data and bundled tariffs and the usage of data are not definitive and not known to the majority of ICT users in the region.
 3. The forum adopted the following guidelines and recommendations;
 - Strengthen partnerships between stakeholders to create knowledge exchange platforms and dialogue at national, regional and international level for consumer protection and rights in Africa;
 - Raise awareness of the ITU-D Global Symposium for Regulators 2014 Best Practice Guidelines (GSR14) as well as of ITU-D Resolution 64 (Rev. Dubai, 2014) and ITU-T Resolution 84 (Hammamet, 2016) on consumer protection at national and regional level and to integrate the protection and information on consumer rights in Africa into ITU activities;
 - Formalize the organization of a Forum on Consumer Protection to be held at least once every two years;
 - Promote the establishment of consumer associations, their professionalism, and assist in building their capacity building at national, sub-regional and regional levels;

- Establish effective mechanisms for education, awareness raising and dissemination of information on issues such as QoS parameters, tariffs, safety and use of internet in particular for children, women and people with disabilities;
- Adopt an inclusive approach at international, regional and national level for the promotion and implementation of SDGs, calling upon policy makers, regulators to integrate SDG targets in their national plans and to bring consumer interests and rights at the center of discussions of all socio economic development and policies;
- Expand Universal Access Strategies to include the promotion of consumer rights, information, education and awareness, particularly focusing on security and safety.

Annex 3: Analysis of the Questionnaire on numbering misuse

The survey questions can be found in the associated Circular letter at: <http://www.itu.int/md/D14-CA-CIR-0009/>.

How are telephone numbering and associated resources managed (allocate, audited and withdrawn) in your country?

All of the respondents indicated that there was the concept of control over numbering resources. This was done either through primary legislation or regulations. There were differences in the approaches that were taken, with some Member States indicating that there were charges involved as part of the management of the allocation.

There was some variation in the detail that was provided. In some cases the respondents cited ITU-T recommendations as directing the development of national rules. In other cases the respondents appeared to have different management responsibilities. For example, some respondents appeared not to have the ability undertake annual audits or reclaim numbers and other resources if appropriate.

Charging for the allocation of numbers was by no means universal. However, as this was outside of the intent of the questionnaire, and at a level of detail not sought, no conclusion is offered on this issue.

Is there a National Telephone Numbering Plan, outlining the use that can be made of national telephone numbers and associated resources?

All but one of the responding countries had a National Telephone Numbering Plan.

Are details of the National Telephone Numbering Plan and associated resources that have been allocated made available within your countries or notified to the ITU-T?

The majority of respondents make the information available both nationally and notify the ITU.

What are the national rules for managing (allocated, audited and withdrawn) numbering and associated resources?

The information received was varied. Some of the respondents indicated where further information could be found, whilst others provided the detail of the management process. With those that provided the further detail of the national management process there was diversity of the environment in which the processes occurred. This reflects the national approach to the management of numbers.

What experiences do you have of misuse of other associated resources e.g. SIM BOX? Others? Please provide details.

The focus of many of the answers to this question when experience of misuse was acknowledged was on SIM Boxes. It appears from the responses that misuse of SIM box is most prevalent in many Member States in Africa. There were some occurrences in the Caribbean.

The response to the issue raised by SIM box fraud varied between those Member States. There was recognition that operators themselves are taking action, that national guidelines to combat illegal SIM box activity existed. A further point that was noted was that “re-origination” was used in association with by-pass. Associated with this was the role of Calling Line Identification in association with SIM boxes. One country had banned “spoofing” of CLI.

In one instance a respondent provided details of the positive use of SIM boxes.

In at least one case it would appear that the instance of the number misuse was related to exploitation between the length of the overall numbers and the number of digits required for analysis for routing and charging purposes.

Any other comments?

Whilst many of the respondents indicate that there were no other comments or issues to be raised, those that did respond covered a number of issues. These issues included identification of misuse of numbers based on an exploitation of the telephone numbers allocated (as opposed to the number required for analysis), and the need for continuous review of the numbers assigned.

Also identified was the ability to fight against misuse requiring the systematic identification of all subscribers and the tax rate for international incoming calls. Other issues that were cited included the role of CLI and the lack of proper regulation of international telecommunication traffic. It was also suggested that transportation of SIM cards be prohibited.

In parallel to these issues being raised several respondents indicated a continuous activity to improve the national regulatory environment to address these issues.

Annex 4: Selected country cases

Argentina

The National Plan for the Development of Competitiveness and Quality Conditions of Mobile Communication Services establishes that telecommunication/ICTs and media services networks should be expanded to provide more and better services to consumers at competitive prices and higher quality.

To this end, the current State policy aims to accelerate the Sector's growth and development fostering competition in the market and proposing changes in the legal and institutional framework through clear rules, which ensure sustainability and predictability in order to restore the pace of investment in the Telecommunications/ICTs market, and to combat any type of market distortion.

In that sense, the Sector is undergoing a paradigm shift because this new regulation aims to ensure competitiveness, which will contribute to improve the quality of services for the well-being of consumers/users, increasing productivity and promoting development and innovation.

The Ministry of Communications, as Enforcement Authority, is currently developing and updating various Regulations aiming to protect and defend customers and users rights.

- The Mobile Communication Service General Regulations, which shall provide for the introduction of mechanisms, which allow customers to access information on the quality of the services being provided and obtain bonuses and/or compensation in case of non-compliance with established quality levels;
- The Spectrum Management and Control Regulations, which shall introduce greater competition among all services;
- The National Chart of Spectrum Bands Allocation in order to increase the availability of frequencies for the provision of mobile communication services;
- The National Interconnection and Licensing Regulations with the aim of generating greater sustainable competition in all networks and services, encouraging market entry for state-of-the-art services in the framework of technological convergence;
- The Number Portability Regime, which shall be revised and updated;
- The Universal Service General Regulations establishing the National Communication Entity, an autonomous body under the Ministry of Communications, as the organization in charge of designing the various programs to be funded from the Universal Service Fund; and
- The National Contingency Plan for disaster response.

This National Plan was launched in contrast to the macroeconomic context of the last years of the previous government, which showed growing difficulties to import the necessary capital goods for the provision of mobile communication services.

Lack of investment in infrastructure, delay in the granting of licenses and in the allocation of resources for the provision of services or in the approval of company control changes, among others, resulted in poor quality mobile communication services, particularly voice.

This National Plan is based on national regulations which provide that telecommunication and ICTs service providers may, and in some cases have to, share network infrastructure, buildings (terraces, roofs, towers, lots and/or structures), facilities, and associated resources, to achieve greater efficiency.

In this sense, the National State has many properties that makes available to the public/private sector operators for them to install equipment and infrastructure taking into account the growing development and capillarity of telecommunication networks, which generate increasingly difficult

access to sites where to install both antenna structures and necessary equipment for the normal operation of Mobile Communication Services.

The State Property Administration Agency (AABE) shall be the only organization that may grant permits for the precarious use of real property owned by the National State, regardless of their jurisdiction of origin. To this end, telecommunication licensees and independent companies sharing passive infrastructure will be provided a list of state properties with potential suitability for the installation of shared infrastructure.

In accordance with the legislation in force, independent companies sharing passive infrastructure do not require a license, authorization or permit to carry out their activity, without prejudice to the non-discrimination obligation.

To this end, the Judicial Power of the Nation, the Legislative Power of the Nation, the Provinces, the Autonomous City of Buenos Aires, the Municipalities, the Villages and the National Universities are invited to adhere to the above mentioned to facilitate the utilization of state assets for the deployment of telecommunication/ICTs and media service networks.

Another important feature is that the National Plan, through the National Communication Entity, foresees taking non-ionizing radiation measurements to control that they are within levels that are not detrimental to human health.

The Ministries of Communications, Environment and Sustainable Development, and Health will carry out research on non-ionizing radiations and the application of new technologies for health protection, and will carry out outreach campaigns with the participation of the private sector and NGOs with experience in the field.

Benin

In order to protect the rights and interests of telecommunication service users, ARCEP-BENIN during 2015 began a process of auditing standard contracts and general service conditions of fixed and mobile telephone operators and of Internet Access Providers (IAPs).

The results of this activity have made it possible to identify failings which could leave these standard contracts and general service conditions open to abuse as regards consumers and open the way to recurrent complaints.

The audit is undertaken as a preliminary to the approval of standard contracts and operators' general service contracts. This mission was authorized by a decision establishing the list of mandatory provisions in model contracts or general conditions for the provision of telecommunication services for consumers in the Republic of Benin.

The following points must be included in standard contracts or general service conditions, in accordance with article 3 of the regulator's decision:

- Definitions of technical terms or terms with specific meanings;
- Object of the contract or general conditions for providing services, defined clearly and precisely;
- Contract duration and method of renewal;
- Conditions of subscription and service provision;
- List of documents required;
- Obligations of the customer;
- Obligations of the operator;
- Confidentiality clause;

- Information relating to equipment, in particular concerning precautions for use;
- General conditions of operation, and specifically those relating to protection of personal and medical data;
- Quality of service clauses;
- Prices or means of price setting;
- Criteria for billing and conditions of payment;
- Financial guarantees, where necessary;
- After-sales services;
- Warranty clauses and so on.

Once the decision was adopted, the operators concerned were informed with a view to ensuring that their standard contracts or general service conditions would be aligned with it.

Adoption of this legal instrument provides ARCEP-BENIN with the means of approving and monitoring standard contracts or general conditions for the provision of electronic communication services, ensuring greater respect for consumer rights. It enables the regulatory authority to investigate complaints from consumers or consumer organizations, as required under article 4 of Decree 2014-599 of 9 October 2014 concerning the mandate, organization and operation of ARCEP-BENIN.

Partnership of ARCEP-BENIN and consumers' associations

In its relations with consumer associations, ARCEP-BENIN carried out a census which in 2010 identified eight consumers' associations in the ICT sector.

Following the census, the consumers' associations formulated a number of demands addressed to the regulator with a view to:

- Reflecting consumers' interests in the regulator's activities;
- Improving quality of service;
- Ensuring transparency with regard to charges;
- Ensuring security of personal data;
- Ensuring access for consumers to telecommunication services in the context of universal service;
- Improving awareness of consumers rights and obligations;
- Ensuring assistance from the regulatory authority in providing feedback to the public on training received;

ARCEP-BENIN has noted several types of requirement among consumers' associations concerning:

- Their strong desire to improve their knowledge of the sector; and
- The need to improve their knowledge as regards consumers' rights and obligations in connection with easily investigated complaints, in accordance with current laws and regulations.

In order to encourage consumers' associations to share in the development of the telecommunication/ ICT sector, a framework for collaboration has been put in place and has facilitated a number of activities, including:

- A capacity-building workshop (3-4 February 2011);
- Two consumer satisfaction surveys in 2011 and 2013;
- Approval of an information leaflet on consumers' rights and obligations, in collaboration with partner associations of consumers (20 December 2011);

- National seminar on the effects of non-ionizing radiation and protection of the public (24, 25, 26 April 2012);
- Audit of the mobile telephony operators' customer services (October 2013).

A document base has been set up and made available to consumers' associations and ICT services and can be used by them as a basis for training. It comprises:

- The telecommunication services guide for users;
- Flyers on consumers rights and obligations;
- Question and answer information sheets to help expedite processing of users' complaints.

These measures are reinforced by:

- Opening of a customer complaints desk;
- Setting up a toll-free complaints line (131);
- Setting up a Facebook discussion forum for ARCEP-BENIN and users to express their concerns on service provisions.

On 28 November 2014, this collaborative framework was formalized in a framework cooperation agreement between ARCEP-BENIN and the eight partner associations of consumers. This agreement provides for the implementation of projects of common interest by partner associates with funding from ARCEP-BENIN.

Brazil

The provision of convergent telecommunication services has many implications on the consumers rights, since most of convergent service operators have been dealing with their clients separately, as customers of a single service, even when they contracted a bundle. From customer's point of view, it is hard to understand different rules applied to similar services provided by the same operator over the same network infrastructure. Therefore, a redefinition on consumer protection needs, through providing them a better understanding and a clearer view of their rights regarding telecommunication services must be a priority.

For that reason and focusing on solving repeated complaints, empowering consumers and unifying the regulation terms of fixed and mobile telephony, TV and broadband by turning them into one convergent resolution, the National Telecommunication Agency – ANATEL approved on March, 2014, the General Regulation on Consumer Rights of Telecom Services (GRC), Resolution nº. 632/2014 -ANATEL. In order to stimulate competition and promote balance to the market, smaller operator has lighter obligations. Considering the complexity of new rules it was fixed different dates for them to be in force. The first term was July 8, 2014.

New rules are as follows:

- **Automatic cancellation:** Cancel a telecommunications service became simpler after the new regulation. Even without talking to an attendant, the service can be canceled by internet or by typing a number on the call center through the interactive voice response system. The automatic cancellation must be processed by the service provider in a maximum of two working days. During this period, consumer can regret and the provided service will be charged. Consumers are warned that this ease is only for canceling the entire contract (Article 15 of the RGC).
- **Instant call back for dropped calls:** The provider will be required to return the call every time the phone interaction between the consumer and his call center drops. The service provider is required to return the call at least one time within 5 minutes to the consumer. (Article 28 of the RGC).

- **Prepaid credit:** minimum 30 day expiration. All credit for prepaid mobile services must have a minimum expiration term of 30 days. The companies must also offer options with expiry date of 90 and 180 days in their own stores and at electronic recharging points. Whenever consumers want to buy credits, it will be possible to check the expiration term through SMS or by calling a number provided by the company (Article 68 of the RGC).
- **Promotions apply to all:** Many providers have promotional offers (with lower prices or even some freebies) to capture new customers. With the new regulation, anyone, customer or not, has the right to join any deal advertised by the service provider. If the interested consumers are already clients, they need to be aware about the possibility of having an early termination fee in their contracts (Article 46 of the RGC).
- **Transparency in offers:** Before formally closing any contract, the service providers must give consumers a short summary with clear and organized information about the offer. It should be informed, for example, whether or not the announced price is valid within a specific period, presenting details of when it starts, when it ends and what price will be practiced after the end of the promotion (Article 50 of the RGC).
- **Billing Related Complaints:** Whenever a customer reclaim about a billing and has not yet paid the invoice, the company will issue a new billing document without the disputed value and then analyze the situation. If it was already paid, and the analysis concludes that the value has been improperly charged, or if the company does not respond the claim within 30 days, the customer will be entitled to receive the claimed amount in double. If after the payment it was verified that the consumer was properly charged, the consumer will return the amount received. (Articles 83 and 85 of the RGC).

On January 31, 2014, ANATEL launched a new Consumers website: www.anatel.gov.br/consumidor. It was created to convey, in simple language and few technical terms, the most relevant information about telecommunications service and consumers' rights. The website intends to narrow the relationship with telecom consumers and provides better information on sectorial issues of consumers' interest.

Central African Republic

Legal framework of CEMAC

Within the area covered by CEMAC (Central African Economic and Monetary Community), of which the Central African Republic is a member country, Directive 07/08-UEAC-133-CM-1 of 19 December 2008 established the legal framework for protection of the rights of users of electronic communication networks and services, guaranteeing the rights of users with respect to their private life, the right to information, service quality and performance, dispute resolution between subscribers and operators, processing of personal data and protection against cybercrime and cyberattacks.

In addition, CEMAC Regulation 21/08-UEAC-133-CM-18 further strengthens and defines the foundations for harmonization of the regulations and regulatory policies governing electronic communications in this community space.

Among the objectives of this subregional regulatory framework are the following:

- Introduction of universal services;
- Full sector liberalization with high-quality services at affordable prices;
- Non-discriminatory access to ICT services;
- Meeting the needs of vulnerable social groups, particularly persons with disabilities;
- Strengthening the rights and obligations of consumers;
- Sustainable consumer protection.

National legal framework

The Central African Republic is part of the CEMAC community space. Thus, in addition to international directives and regulations, those adopted at the community level have to be applied at the national level. With respect to the objectives established by the two above-mentioned community texts, Act 07.020 of 28 December 2007 regulating the telecommunication sector in the Central African Republic was deemed to be inconsistent not only with Regulation 21/08-UEAC-133-CM-18 of 19 December 2008, but also with five CEMAC Directives, particularly Directive 07/08-UEAC-133-CM-1 of 19 December 2008.

Thus, a Draft Law on Digital Communications in the Central African Republic, jointly revised and approved by operators, consumers and the National Commission for Texts, has been elaborated and is currently before the Government. It will very shortly be brought before the future National Assembly for adoption at the end of the current political transition.

This draft law is intended in particular to strengthen:

- Universal access;
- Non-discriminatory access to ICT services;
- The rights and obligations of consumers;
- Quality of Service;
- Protection of consumers against exposure to electromagnetic fields;
- Child Online protection;
- Personal-data security;
- Respect for privacy and confidentiality;
- Women’s rights and the gender dimension;
- Cybersecurity and the fight against cybercrime and cyberattacks;
- The encouragement of young women to take up careers in ICT, through ITU’s “International Girls in ICT Day”, which the Government intends to adopt.

Measures taken by the regulator in the interests of consumer rights protection and with respect to the Draft Law

Aware of the need for legislation covering protection of the rights of electronic communication consumers, the regulator has taken measures to:

- Identify all associations of electronic communication consumers;
- Organize a five-day workshop on the rights and obligations of electronic communication consumers;
- Conduct a regular audit of the quality of service of electronic communication operators;
- Ensure the introduction of legislation that takes account of the CEMAC directives and regulations and of the GSR14 guidelines on the rights of electronic communication consumers;
- Create a consumer service in the new structure of the Telecommunication Regulatory Agency established in December 2015, the duties of which include:
 - Posting, on the Telecommunication Regulatory Agency website, of an online guide and guidelines on the protection of telecommunication and ICT service consumers;
 - Fostering, through online channels, best practices, standards, technical guidelines and procedures for making ICT networks less vulnerable and less exposed to threats;

- Recognizing consumers' right of appeal and the option to refuse functionalities and services;
- Establishing free phone numbers for use by consumers;
- Producing brochures on the rights and obligations of consumers;
- Making consumers aware of the potentially harmful effects of ICTs on health, education, etc.;
- Regularly informing consumers, including minors, about the risks of exposure to electromagnetic radiation from ICT products;
- Protecting minors, women, persons with disabilities and indigenous and tribal people;
- Making available online, and keeping up to date, information on the protection of minors with respect to ICTs;
- Monitoring the tariffs applied and ensuring fair competition;
- Establishing a partnership agreement between consumer associations and the Telecommunication Regulatory Agency;
- Following the GSR14 guidelines and regularly assessing their implementation.

China (People's Republic of)

With the high speed development in the continuous ten years, China telecommunication industry maintains its No.1 place and enhances the leading position. The huge customer has brought the operators and service providers' big chance, as well as the variety and personality of services. More challenge has risen up in the field of fair competition, QoS, reasonable tariff packages, and disputes settlement. Chinese government bodies and regulator are trying their best to establish regulations, perfect organizations, optimize service process and working mechanism, and enhance public supervision. A relative systematic institutions of telecommunication consumer protection have been set up.

First of all, the different multiple layer of laws and regulations have come into being. There are three core laws published by national congress which are called The Act for Consumer's Rights (2013 amendment), The Resolution for the safeguard of internet (2000), and The Resolution for ensuring the protection of network information (2012). In addition, The Telecommunication Regulations of P.R.C was published by the central government State Council as the basic rules for telecommunication market. MIIT also issued a series of departmental rules to regulate the consumer-protection such as The Standard for Telecommunication Service (2012) and the regulations for personal information protection of telecommunication and internet users (2013). Relative government bodies such as NDRC (National Development and Reform Commission) and SAIC (State Administration for Industry & Commerce) also released some rules for the management of providers and consumers.

Secondly, trilateral parties including government bodies, association organization and the public have been combined to shape the frame of the protection of consumer rights. At the government level, MIIT, NDRC, SAIC and relevant organizations work together to regulate the field of market entrance, network interconnection, QoS, technology standard, tariff, and dispute settlement. At the third party level, the enterprises involved in the provision of telecommunication and information services are launching the professional organizations whose name are called China Association of the Communication Enterprises and Internet Society of China. They are collaborating with NTUS (The National Telecommunication User Society) belonging to China Consumers' Association to participate the activities of QoS supervision and market inspection. At the society level, National Telecommunication User Appeal Center has been established for more than ten years with the guidance of MIIT. Since 2002 the unified number 12300 has been put into practice for the convenience of customers which is dealing with the problems related to operators headquarter. The local users can get additional assistance from the local center placed at province level.

In addition, a quarterly announcement for telecommunication service quality has been enforced by independent academic institution for at least ten years. It has become the symbol of operator's service quality. Moreover, in order to help the media and public better supervise the activities of operators and service providers, the regulator approved NTUS to invite the lawyers, economists, and engineers as its consultants.

Côte d'Ivoire (Republic of)

In Côte d'Ivoire, Article 168 of Ordinance 2012-293 on telecommunications/ICT provides that operators and service providers shall wait a minimum period of three months before reallocating a cancelled telephone number.

Despite the implementation of subscriber identification by operators and service providers, unidentified SIM cards continue to turn up, or cards are activated and then passed from person to person, with the result that judicial requisitions that the regulatory authority is required to transmit to network and service operators in the search for wrongdoers are in some cases unsuccessful.

The search for information concerning a number whose owner is being pursued can prove ineffective for several reasons – for example persons identified on the basis of SIM cards that have been lost or stolen, or whose owners have died. In such cases, the true identity of the wrongdoer is unlikely to be found.

Beyond such cases, which result in false identification and stalled investigations, the fact that a number may change hands several times can make it very difficult to secure accurate information on the identity of an offender or suspect.

As for the three-month waiting period to be observed before reallocating a number that is no longer active, there is a proven risk of the same number being identified four times in the same year, producing a chain of four successive holders of the same number. In such cases, a judicial requisition as part of a criminal investigation spanning more than one quarter is sure to run into difficulties if the holder of the number in question has changed during the same period.

This situation inevitably creates uncertainty and can result in the failure of judicial procedures and investigations.

One thing is for sure: the constant reallocation of numbers can result in innocent persons being caught up in an investigation that has nothing to do with them.

The following solutions are proposed in the interests of avoiding the kinds of judicial error to which the above situation can lead.

Solutions:

- Harmonize the time period for reallocating a number with the time taken to enter it in the directory;
- Provide that any number appearing in the directory cannot be reallocated until one year has elapsed;
- Grant a notice period of three months to the holder of a number that appears in a directory;
- Judicial enquiries relating to a given number must take account of the chain of successive holders of that number, since the current holder will not automatically be the author of any offences committed using that number.

Haiti

- An administrative circular letter from CONATEL has set up a unit for the protection of consumers of telecommunications services. The objectives of this unit are collecting consumers' claims and complaints, monitoring and making recommendations to the Directorate;
- From the outset, the unit has set itself the objective of: being functional, by defining a framework based on the principles of management effectiveness aimed at the functionality of the means of receiving claims and complaints as well as to inform the relevant actors about the existence of the unit and to define a mechanism for dealing with complaints.

Activities carried out:

- Establish a space to physically receive complainant consumers at CONATEL's subsidiary office;
- Implement and make functional a short code (189) for operators: Digicel and Natcom;
- Make available a form in both French and Creole to receive complaints;
- Contact CONATEL's decentralised offices to receive complaints;
- Training staff to ensure proper reception of complainants;
- Establish a database in order to archive efficiently the complaints received;
- Correspondence to operators to notify them about the existence of the CPC and to ask them to designate a contact person for the CPC;
- Create a guide for telecommunications consumers in Haiti.
- Since its implementation in July 2016 to date, the unit has received and processed an average of 20 complaints. People designated by the operators have been contacted for following-up the claims and complaints. Around 15 complaints were received in August 2016 and the number is improving. The operators involved have reacted positively. The CPC has, among other things, developed working procedures with operators for the treatment and follow-up. The existence of the unit gives a boost to improve the quality of the service provided by the operators as well as the treatment that their customers received.

Islamic Republic of Iran

Consumer rights as well as other economic issues, as well as underlying trends and mechanisms for consumers should be addressed by countries. The situation of consumers can be improved in terms of quality of service and incorrect usage pattern, thus avoiding mistrust of manufacturers.

In Iran, the Communications Regulatory Authority of Iran (CRA) is responsible for monitoring of licensees, as well as quality of service and pricing of information technology products and services. CRA is also responsible for telecommunications and information technology sector market structure including the liberalization of the sector and privatization issues. CRA is also responsible for defining and enforcing regulation in the sector. It helps both consumers and service providers by creating the enabling environment that defines rights and obligations of stakeholders and creates the environment to enable them to benefit from digital opportunities.

Information Technology section

– Rules and policies

CRA has defined rules and regulations governing relationships between service providers and customers in terms of delivering service in data transmission networks, focusing in particular on consumer protection. CRA has included in telecommunication operators licenses a number of obligations relating to subscriber and consumer rights:

- Information on services and services rates must be complete and clearly presented to subscribers and consumers at no cost;
- An appropriate location should be considered for meeting and answering subscribers and consumers' demands with exact address and hours of such activity;
- In the event of a dispute between the licensee (licensee holder) and customers and subscribers, or if any of the sides does not fulfil its obligations, in the first stage, negotiations between the sides should attempt to resolve differences, and in case of disagreement, the investigating authority shall act in accordance with the license conditions;
- Licensees are obliged to establish technical facilities to meet the needs of subscribers to the extent possible.

– **Complaint resolution for ICT costumers**

- In order to increase customers' satisfaction in 2015, a free complaints system was established on each licensee's website upon the order of the Ministry of Communications and Information Technology. Such systems electronically register complaints to service provider organizations such as ISPs and mobile operators in relation to services provided in the fixed telephone, Internet or mobile sectors.
- The overall time of handling complaints by the operator can be variable depending on the type of complaints and ranges between 6 days, 12 days, 20 days and 30 days (due to lack of sufficient technical equipment or tower installation or landline outages, etc.).
- The system shall manage the complaints electrically as a non-personal service as below:
 - The ability of recording the complaints electrically by using a portal from the IT service provider in the organizations' complaints system by real or legal persons;
 - Investigating complaints and performing the necessary measurements, electronically, by the operator or the Department of Communications Regulatory Authority in relevant area;
 - Responding to the complaint within 7 working days based on an expert assessment.

Radiocommunications sector

According to the granted licenses to mobile operators and WiMAX operators, CRA has created "the electronically recording complaints system" in order to address concerns from users and consumers and to respond to their complaints in relation to operators antennas and possible radiation, including:

- The ability of the complaints to be submitted to the organizations' complaints system by real or legal persons;
- Investigating complaints and performing the necessary measurements either by the operator or the Department of Regulatory and radio communications in the relevant area;
- Comments on complaints to be provided by the Atomic Energy Organization of Iran as the country radiation trustee with regards to the measurements results.

The satisfaction evaluation system in the field of IT services

The Communications Regulatory Authority (CRA) of the Islamic Republic of Iran, in order to enhance competition and to improve the quality of service, has created a system to assess user's satisfaction in the field of information technology services. Users can participate in the survey, and can cooperate in identifying strengths and weaknesses of operators. In addition, licensees and users can consult the results of the conducted survey on the organization portal after the end of each period. In this regard, the National Association of Consumer Rights offers Certificates of consumers' rights protection and also provides awards to those who have played a significant role in the country's ICT industry and has

been ranked highly in terms of the provision of services in order to increase motivation, competition between service providers and to increase consumer confidence.

Kazakhstan

Background

Provision of telecommunication services is governed by the Constitution of Kazakhstan, the Civil Code, Law No. 567 of 5 July 2004 on communications, Law No. 274-IV of 4 May 2010 on protection of consumers' rights, and Order No. 171 of 24 February 2015 of the Acting Minister for Investment and Development approving rules for the provision of communication services.

Reciprocal relations with users in the provision of telecommunication services are regulated by the Rules for the provision of communication services, which stipulate the conditions applicable to all the parties involved, procedures for concluding standard contracts for those services, and applications for such services, changing subscription terms, or obtaining additional services.

Cost and tariff for telecommunication services

Communication operators use a system of separate accounting of income, expenditure and assets deployed, in order to facilitate accounting of cost price for the basic types of services considered. The methodology of attributing costs, income and assets is based on the "Rules for separate accounting of income, expenditure and assets by communication operators for regulated forms of telecommunication services and other technologically related services, approved by Order No. 312-OD of the Agency for the Regulation of Natural Monopolies and Protection of Competition, dated 12 December 2003.

In setting tariffs for telecommunication services, communication operators are guided by the following:

- For services included in the List of universal telecommunication services – the Law on communications.
- For services included in the Register of entities subject to natural monopoly – the Law on natural monopolies and regulated markets.
- For services included in the Register of entities occupying a dominant position in a given commercial market – the Law on natural monopolies and regulated markets.
- For non-regulated services- prevailing conditions in the telecommunication service market.

Mexico

Background

In Mexico, the Constitutional Reform in the area of Telecommunications, Broadcasting and Economic Competition, published in the Official Gazette of the Federation on 11 June 2013, establishes, in article 6, section VI of the Constitution, that a new Act shall be passed setting out the rights of telecommunications users and audiences, along with mechanisms to protect them. The Federal Telecommunications Institute of Mexico (IFT) was created under this reform as an autonomous body with legal personality and its own property, having been set up on 10 September 2013. The new Federal Telecommunications and Broadcasting Act, published on 14 July 2014, includes two important chapters, one dealing with the rights of users and the other with the rights of users with disabilities, which set out the actions that IFT must take for the benefit of these user groups.

Action taken

In accordance with the current legal framework, IFT has taken specific action to give effect to the rights of telecommunication service users and provide proper follow-up, bearing in mind the need to keep users informed and ensure that they have access to tools that make it easier to file complaints

and compare the tariffs offered by different mobile operators, and also to establish equal access to telecommunication services by people with disabilities.

The actions taken are listed below:

- Comparison tool for mobile telephone service plans. This online tool is an information mechanism that IFT makes available on its Internet portal so that users can consult and compare in detail, quickly and easily, the current mobile telephone plans offered by virtual mobile licensees and operators.
- The tool enables users to compare post-payment plans and prepayment schemes, as well as view additional packages and identify those that are available for each mobile service plan offered.
- The online tool is informative and brings together the services offered by virtual mobile licensees and operators so that users can decide whether to subscribe to or renew services, reducing the time needed to visit web pages or customer centres individually.
- First survey of telecommunication service users. In April 2015, IFT presented its first survey to find out about patterns of use and the experience and satisfaction of telecommunication users. Information obtained from surveys enables an objective diagnosis to be made of the needs and interests of users of mobile telephony, fixed telephony, pay-to-view television and Internet services. Work is now under way on a second survey, the results of which will soon be published on IFT's web site (<http://www.ift.org.mx>).
- Comparable information reports. In June 2015, users were provided with a comparable information report on mobile telephony plans and tariffs which analyzed the services on offer until 31 May 2015, as published on the web pages of the licensees Lusacell, Movistar, Nextel, Telcel and Unefon, each of which is registered with IFT. In August 2015, another comparable information report on plans and tariffs offered by virtual mobile operators was published, analysing and comparing the prepayment services currently on offer.
- The Charter of Users' Minimum Rights is a document issued by IFT and the Office of the Federal Prosecutor for Consumer Affairs pursuant to article 191 of the Federal Telecommunications and Broadcasting Act, which sets out the minimum rights that users enjoy in accessing, subscribing to and using services.
- Operators are obliged to disseminate the contents of this Charter on their web pages and to provide it to users who subscribe to their services. This results in better-informed users who can speak up for their rights in the face of any violation.
- The "I'm a User" portal is an online tool that enables users to submit complaints about their provider swiftly in the event of shortcomings with the service or if they consider any of their rights to have been violated, thereby initiating a pre-conciliation procedure, which is monitored regularly by IFT and the Office of the Federal Prosecutor for Consumer Affairs in order to ensure that the rights of users are upheld. By eliminating overlapping between the two institutions, this tool makes protecting the most important element of the telecommunication ecosystem – the user – more efficient.
- The Communication and Distribution Strategy for Telecommunication Service Users has been implemented with the aim of distributing tools and data that may be beneficial to users, such as videos on products released by the Institute, including "Tariff Comparison Tool" and "What can you do with your unused credit?" Likewise, various products have been developed to raise user awareness of the proper use of telecommunication services. These have included "Mobiles and flying", "Communicating well in emergency situations" and "International Personal Data Protection Day".
- Guidelines on Telecommunication Service Accessibility for People with Disabilities. For the first time in Mexico's history, the Federal Telecommunications and Broadcasting Act sets out the rights of telecommunication service users with disabilities. This legal framework gives IFT the

mandate to issue the relevant guidelines. In line with this mandate, an initial draft was sent out to public consultation from 14 August to 25 September 2015.

Norway

Introduction

The Norwegian Centre for Cybersecurity (NorSIS)⁷² has conducted a study to provide new insight in the Norwegian Cybersecurity culture. The study aims to develop grounds for effective cyber security practices and to improve national cyber resilience. Cyber criminals and foreign intelligence agencies have over time analyzed our cultural characteristics to disclose vulnerabilities to exploit. This gives them definite advantages. Therefore, we should feel obliged to increase our understanding of the dynamics in how a cyber security culture is shaped and how it affects the digitalization in businesses, sectors and on a national level. Human factors have long time been recognized as fundamental to cyber security, but so far efforts to understand this important phenomenon has been limited in scope. NorSIS sees mapping cyber security culture as a way of understanding yourself, your company and your country.

In order to create a resilient digital Norway, it is paramount that the government apply a holistic approach. The study shows that it will be necessary to increase the reach and quality of cyber education, establish effective online law enforcement, and engage private and voluntary sector in a struggle to increase the national “cyber hygiene”.

Measuring cybersecurity culture

In creating a metric for measuring the national cybersecurity culture, there are at least two critical challenges: One is the question of terminology, i.e. what do we actually mean when we refer to “cybersecurity culture”? The other is the level of analysis, i.e. how can we identify a “cybersecurity culture” concept that is valid and applicable to both businesses and nations? That is to say that whilst the concept might be developed within the confines of industries and businesses focused on cybersecurity, also nations have “cybersecurity cultures”. It may, however, not play out the same way. There is a huge gap in how “culture” is shaped and expressed depending on the level on which it is discussed. For example, whereas a business, an organization and an institution all have defined purposes and thereby measures, the scope of a nation is much vaguer.

Secondly, while business can actively tutor and educate their personnel in cybersecurity, citizens of a state cannot be equally monitored. Is it, then, possible to generate a general comprehension of “cybersecurity culture” that is equally applicable to business and nations?

We believe that measurements of cybersecurity cultures can benefit from a more comprehensive approach, taking a step back from simple registrations of whether employees open phishing-emails and rather look at the attitudes and perspectives towards technology and cyber security, and how this resonates with other core values, interests and abilities.

Key findings

The study is unique as we encompass a broad approach to cybersecurity culture, and because the scope is much larger than any study we are aware of. We worked with 29 partners in the public and private sector, and reached 150.000 individuals in Norway. Our key findings are:

— Fear of cybercrime creates a chilling effect on the digitalization process

Although most people (approximately 90 per cent) thinks that the police should handle online crime, far less (46 per cent) trusts that the police will be able to help them. The police reported in 2015, that a mere 13 per cent of individuals that are victims to online crime actually files a police report. At the same time, as many as 44 per cent thinks that individuals and activist groups has a role to play in the

⁷² Document [SG1RGQ/264](#), “Creating a metric for cyber security culture”, Norway.

fight against online crime. Apart from the fact that such involvement may cause suspicion towards innocent, let the guilty go free and tamper with ongoing investigations, we believe that it may cause a chilling effect for the digitization efforts. 44 per cent reports that they have abstained from using online services due to digital threats. Norway is currently undergoing a digital transformation in both public and private sector, and this development is worrying.

– **The Norwegian citizenry is not properly educated in cybersecurity**

The government is not educating the population in cybersecurity, despite that the digitization demands it. The society expects the individual to know how to protect themselves from digital threats. We find that only 50 per cent of the population has received cybersecurity education during the last two years, and that businesses are taking that responsibility upon themselves. This causes vulnerable groups to be left out, such as the young and the elderly.

– **There is a low awareness of the concept of online hygiene**

People see cybersecurity as a means to protect themselves, but are not aware of the complex co-dependencies in a digitized society. In short, cybersecurity to them is about protecting themselves, not the people around them. In a digital world, everything is connected to everything else. Long and complex digital value-chains makes up our critical infrastructures, our financial systems etc. Our study reveals shortcomings in the way cybersecurity is taught today, and we need to develop new educational methods if we are to prepare the citizenry for a new digital reality.

Oman

Article 7, Item 5, of the Telecom Act stipulates the TRA's role in safeguarding the interests of beneficiaries:

“To safeguard the interests of beneficiaries and dealers with respect to the prices of equipment and the rates, quality and efficiency of telecommunication services”.

The Standard Customer Agreement is as an adhesion contracts that the TRA negotiates with the operator on behalf of the beneficiary in order to circumvent any prejudice or bias on the part of the telecom operator. Below are the obligations related to the Standard Customer Agreement:

“Within six (6) months following the Effective Date, the Licensee shall submit to the Regulatory Authority for its approval a form of standard customer agreement containing the terms and conditions for the provision of Licensed Services to Customers”.

“The Standard Customer Agreement form shall become effective if the Regulatory Authority did not object to it within thirty (30) days of its receipt or on a later date specified for its execution. If the Regulatory Authority has objected to the Standard Customer Agreement form during such period, the Regulatory Authority shall notify the Licensee in writing of the reasons for this objection and the Licensee shall accordingly modify the Customer Agreement form and present it to the Regulatory Authority within fifteen (15) days of its receipt of such objection. This shall be applicable to the modified Standard Customer agreement form”.

“The Licensee may from time to time modify the Standard Customer Agreement. This modification shall be subject to Condition 8.5.”

“The Licensee shall notify all Customers of the terms and conditions of the Standard Customer Agreement and any modifications thereto and shall thereafter provide Licensed Services based upon the Standard Customer Agreement.

State of Palestine

The Palestinian Ministry of Telecommunications has issued a decree protecting the rights of subscribers to mobile telephone services, particularly the additional services offered by operators and service providers over operator networks. The decree deals with a number of issues:

- Timing the sending of all types of text messages;
- Obtaining the subscriber's explicit and documented approval to take part in promotions for additional services;
- Registering the subscriber for certain services free of charge and processing the matter at the end of the free period;
- The mechanism for subscribing to and canceling additional services;
- Obliging operators and the providers of additional services to adhere to the standards and specifications set by the official bodies, such as the consumer protection department, regarding awards;
- Putting forward proposals to test the additional services offered by mobile telephone operators and the providers of additional services.

Saudi Arabia

In continuing Communications and Information Technology Commission (CITC) efforts, to protect the interests and rights of users of ICT services in the Kingdom of Saudi Arabia, CITC has recently developed a document under the title (the applicant /user protection). This document addresses a range of procedures which the service providers obliged to follow when providing or cancelling, or billing ICT services. Also, the document touches in how to deal with the credit limit, the Internet packages, and the obligations of the service provider to protect the user during international roaming, in addition to its obligations in dealing with the user complaints.

The document included eleven articles for the most important issues of interest to users, along with their own terms which must be adhered to by the service providers. Those issues and some of the associated terms, will be reviewed below:

a) Billing:

The document stipulates that the service provider must provide free means enables the user to control consumption, for any service used, whether prepaid or postpaid service. It must also provide the user regularly with clear and correct and detailed bills, according to the details set forth in the telecom bylaw, and the terms of the provision of ICT services documents, and it must be free of charge, and in Arabic or English depending on the user's choice, and sent to the user on paper or electronically according to the user request.

b) The user credit limit:

The document emphasized that the service provider must specify the credit limit for each user and include it in the contract, and in the bill sent to the user. Also, the service provider is not entitled to raise the credit limit without the user's prior knowledge and consent. In addition to that the service provider is obliged to enable the user to know credit limit at any time through the following means: text messaging, voice call, visiting the customer service center, the website for the service provider/e-Applications, and to notify the user when the credit limit reaches 80 per cent, through a message SMS sent to the user for mobile service, and any other suitable means for the other services.

c) Mobile internet:

The service provider must enable the user to use the mobile internet service only after the user request this service. The Service Provider must notify the user via SMS when a consumption of its subscribed internet package reached 80 per cent, and suspend the Internet service as soon as the

user consume the entire amount of the internet package, with notifying the user of stopping the service, and how to return it, and the cost to use the Internet without the package, and any other packages user can subscribe to.

d) International roaming service:

The document stipulates that the service provider should enable the user to use the international roaming service only after the user's request for the service according to the service request procedure described in this document. Also, the service provider must enable the user to use the mobile internet service while roaming internationally only after the user's request for the service separately when the user request voice calls and other telecom services. The service provider must notify the user as soon as the user connect to a service provider network in the country the user traveling to via free text messages in Arabic and English regarding some information such as the domestic and international call rates (incoming and outgoing), SMS, and use of the Internet in the country of travel. In addition to enabling the user to access to customer services while roaming internationally in any time free, and notifying the user that there is no credit limit for the service while roaming internationally.

e) Cancellation or suspension of the service:

The document did not neglect user right in service continuity, or the right to cancel it, which stipulates a set of articles that the service provider must follows when the user request suspension or cancellation of the service, as well as when the service provider initiates suspension or cancellation of the service, the document stipulates the user right to request cancellation of the service, and ordered the service provider to execute the request, and simplify the procedures pertain to such request, and to make cancellation request for any service available at all its centers, and to not ask the user to visit customer service offices to cancel the service, except in cases of final cancellation of the full basic service if such service was established through the user presence in the customer service office, and allow the cancellation of added service through the means available to request the addition of that service, and document the cancellation process, either through written documents, or text messages.

Also the document prevented the service provider of cancelling or suspending the service on its own except in accordance with the cases stipulated in the telecom bylaw and in the terms of the provision of ICT services documents, and to not cancel the service before suspending it for a period of not less than 15 days before the process of the service cancellation, and to notify the user before the suspension or cancellation process via text messages.

f) User complaints:

The document addressed user complaints thoroughly in order to ensure the rights of users, by forcing the service provider to set specific and clear procedures to deal with them, such as:

- That all procedures pertain to complaint handling at the service provider must be according to a specific electronic system, to keep all the complaint procedures from the beginning of submitting the complaint until closing it, this system should be interactive with the user, where the user can respond to the service provider, and see the progress of the complaint electronically;
- That the complaint submission be available through all possible means, whether electronic or via phone call, or personal presence, and not requiring the user to use a single mean to submit a complaint, and to have an easy and a clear access to those means;
- Providing the user with a reference number for the complaint;
- The complaint handling procedures should not exceed (15) days from the date of submitting the complaint;
- That the user after submitting the complaint should be provided with the expected duration to address the complaint via text message, which shows how to follow up the complaint, and if the expected duration ends before processing the complaint, the latest development

regarding the complaint and the new expected duration to address the complaint should be reported to the user, and in any case the complaint handling should not exceed (15) days from the date of submitting the complaint, taking into account the duration of each stage of tackling the problem with the service provider.

The document also stipulates some of the service provider obligations toward the applicant, where the service provider must make it clear to the applicant before entering into a service contract as follows:

- Details of the required service price, including the service tariff and any amount required to be paid in advance at the beginning of the service contract, or upon completion of the service;
- Details of the service and its inclusions which the service provider is committed to provide;
- Details of the conditions and obligations on the applicant, and the consequences of failure to do so;
- Details of any restrictions or exceptions to the use of the service, and any fees will be applied when overcome these limitations;
- Billing dates;
- Adjustment mechanism and cancellation of the service;
- Cases where the service provider has the right to suspend and cancel the service for the user.

In addition to that, the service provider must facilitate the service request procedures, and provide access to all services in all its centers, and to not limit the provision of some services in specific places and not others. Also, the service provider must get the applicant approval of the service and his knowledge and acceptance of all the terms and conditions, the obligations and provisions of the service, according to the service request procedure specified in the document, which aims to document the process of requesting the service, whether through written contracts, or text messages.

Vietnam

Vietnam is one of the first ASEAN Countries paid attention to consumer protection field. From 1999, the National assembly already Adopted Ordinance No. 13/1999/PL-UBTVQH10 on the protection of Consumers' Interests.

The Law on Protection of Consumers' Rights ("Law 59") to replace the 1999's Ordinance on the Protection of Consumers' Rights, can into effect from 1st July 2011 (passed by the National Assembly on 15 November 2010).

Continuously, the Government level was issued two decree: Decree No. Issued 99/2011/ND-CP ("Decree 99") detailing and an implementation of a Guiding the number of articles of Law 59 on 27 October 2011 and Decree No 19/2012/ND-CP (Decree 12) on Sanctions Against administrative violations of Consumers' rights protection.

Decision No. 02/2012/QĐ-TTg of the Prime Minister on January 13th, 2012 (came into effect from March 1st, 2012) promulgating the list of essential goods and services to the subject to registration on standard contract, general conditions transaction. According to the Decision, business individuals and organizations trading in 9 groups of goods and services have to implement the registration procedure with relevant State authorities in order to protect the interests of consumers. The good and services listed include 04 items (kind of services) from the telecom sector as: Fixed telephone service (Public Switched Telephone service), post-paid mobile telephone service, Internet connection and Pay television (Telecom application services).

Regulation on consumer protection in the telecommunications sector: Vietnam so far doesn't have a separately legal documents to regulate telecommunications services' user protection. However

in the system of legal documents on telecommunications sector has made many provisions express this content.

In terms of state management, consumers protection being assigned as a function of the Vietnam Competition Authority under the Ministry of Industry and Trade. Besides there Vietnam Standard and Consumers Association (VINASTAS) is a social organization – professional, voluntary, not-for-profits who operate in the field of standards, quality and protect consumer rights aims to: gather and unite, help members to improve vocational qualifications, develop and apply technical measures and technologies in the field of standards and quality and protection of consumer rights in Vietnam. Association Standards and Consumer Protection Vietnam are members of the Vietnam Union of Science and Technology Association (VUSTA) and Consumers International (CI).

The implementation of consumer protection sector in Vietnam were described as follows:

- When realize customer rights are violated, at first the customer will call to support service line of corresponding provider to complaints and requests for settlement.
- The operator resolves customer complaints under their customer care process and the majority of complaints will be fully processed at this stage.
- For any complaints have not been satisfactorily resolved, customer can send comments to Vietnam Standard and Consumers Association for assistance and also can complain to the Vietnam Competition Authority or Vietnam Telecom Authority (specialized management agency) for assistance and settlement.
- The protection of consumers has done indirectly in the management of the state. In the telecommunications licensing process, Vietnam Telecom Authority has always attended and require operators have to committed, complied with regulations on the quality of service, resolve complaints and resolve customers' rights when stopped offering service it is considered as the conditions for approval telecom licenses.

Zimbabwe

Consumer protection has taken centre stage in Zimbabwe as the nation is seriously trying to ensure protection of consumer rights in the wake of the new Constitution which came into operation in 2013. The constitution is now being used as a base to review the existing laws and guidelines on consumer protection both in relation to Telecommunication/ICTs and other services. The country is reviewing its consumer laws and coming up with strategies to enhance consumer protection. The strategies include a review of the current law, wide stakeholder consultation, and participation of consumer agencies in the review of the law and putting in place public institutions to enforce consumer rights.

The major piece of legislation on consumer protection, other than the Consumer Rights entrenched in the bill of rights contained in the Constitution, is the Consumer Contracts Act Chapter 8:03. The Common law of the Country, which is Roman Dutch law, is very limited in terms of consumer protection, as redress can only be obtained through applying the laws of contract and delict only. The purpose of this piece of legislation is to provide relief to parties to consumer contracts where such contracts are and would be unfair. The Act defines a consumer contract as a contract for the sale or supply of goods or services or both, in which the seller or supplier is dealing in the course of business.

The law as it stands has been inadequate in terms of protecting consumers in general as it has been limited to contracts, particularly written contracts between parties. Day to day transactions where no written contracts are involved are not covered yet these are the kind of transactions that involve the ordinary man in the streets who needs protection. This therefore leaves the subscribers to telecommunication services exposed to abuse, as they do not usually have comprehensive contracts with service providers. The law is also silent on consumer rights and does not take these into account. It also has no affordable dispute resolution process as it is limited to litigation. The law does not cover oral contracts yet oral contracts are binding in Zimbabwe.

In order to bridge this gap, the Zimbabwean Government has come up with a draft law which is still undergoing parliamentary scrutiny.

The draft Act also establishes a Commission, to be known as the Consumer Protection Commission (CPC), which shall be a body corporate capable of suing and being sued in its corporate name. The board of the Commission will have its members coming from various organizations as follows:

- 4.1.1 one member shall be a representative of Environmental Management Agency Council;
- 4.1.2 one member shall be a representative of the Farmers Association;
- 4.1.3 one member shall be a representative of the Ministry responsible for Industry and Commerce;
- 4.1.4 one member shall be a representative of the Competition and Tariff Commission;
- 4.1.5 one member shall be a representative of the Standards Association of Zimbabwe;
- 4.1.6 one member shall be a representative of Zimbabwe National Editors Forum;
- 4.1.7 one member shall be a legal practitioner registered as such in terms of the Legal Practitioners Act.
- 4.1.8 three members shall be representatives of registered consumer organizations.

It is also important to note that the Chairperson of the Committee is expected to be one of the three representatives of registered consumer organizations.

Annex 5: ITU GSR Best Practice Guidelines

GSR 2014 Best Practice Guidelines on Consumer Protection in a Digital world⁷³

The digital economy unquestionably offers consumers new and exciting possibilities, as well as fascinating challenges on which regulators need to focus greater attention. Consumers face new challenges linked to the ever increasing availability of new Information and Communication Technologies (ICTs) in the form of numerous devices, new online services and new applications. In order to protect the rights of all users in an open and inclusive digital world, it is essential to define in advance policies and regulatory measures to complement solutions and initiatives involving co-regulation and self-regulation with a view to educating and empowering consumers.

Regulators who participated in the 2014 Global Symposium for Regulators acknowledged the need to achieve a balance between the rights of all stakeholders to ensure that everyone, consumers and business, can enjoy the benefits of digital technologies. They consequently formulated some guidelines on good regulatory practices to protect consumers' interests. Implementing these guidelines will improve the regulatory frameworks needed to ensure better protection for all stakeholders and especially consumers. These guidelines are set out below.

a) Charting a strategic direction

We believe that governments must play a major role in facilitating the protection of citizens at all levels through the development of a wide array of relevant legislation and government policies, such as national ICT and universal access policies, specific consumer protection legislation, cybersecurity and cybercrime legislation, including on child online protection, regulations on quality of service, regulations concerning on-line content, and electromagnetic exposure limit regulations as well as complementary initiatives, such as the development of guidelines on prohibited acts and best practices in tackling issues as varied as hacking, transmission of personal data (between service and/or content providers), and online fraud. In addition, a series of policy measures can be prioritized to establish self-adaptive and self-renewing regulatory mechanisms in order to build a secure and reliable cyber space.

We consider that regulations should redefine legitimate consumer rights and interests, which include but are not limited to: access to publically available information and services over the Internet, guaranteed quality of service, privacy, confidentiality and protection of personal data, the possibility to opt-out; the right to file a complaint; number portability; and intellectual property rights and virtual property rights. Regulators and policy makers should strive to protect those rights universally and equally within the scope of laws and regulations.

We recognize that, in enforcing and reviewing relevant legislation, regulators and policy makers must establish effective mechanisms for cooperation (such as memoranda of cooperation) with dedicated consumer protection authorities and other relevant bodies at the national, regional and international level. In doing so, clearly allocating responsibilities between the parties is fundamental, as well as information and resources sharing, as appropriate. We further recognize that multinational cooperation is required in order to deal effectively with cross-border phenomena such as issues related to content provided by "Over-the-Top" players (OTTs), online fraud and cybercrime related to e-commerce and social media activities. Likewise, specialized regional entities can be empowered to deal with cross-national matters in a harmonized and focused manner.

b) Enhancing market competitiveness

We recognize that legal and regulatory frameworks need to be kept open, forward-looking, neutral and flexible to allow leveraging on new technologies, innovative services and new business practices, such as cloud computing, social media, mobile broadband, "Big Data", and the Internet of Things, for users to benefit from a variety of services provided at all levels of the ICT markets. With regards

⁷³ http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2014/BestPractices/GSR14_BPG_en.pdf.

to the storage and transmission of information, regulated telecom and ICT market players and OTTs should be treated on an equal footing when it comes to the enforcement of consumer protection legal instruments.

c) Partnering with industry

We recognize that industry players have a vital role to play in ensuring not only transparency and accountability in their business practices, but also in willingly adopting measures geared at protecting the rights of consumers, such as protecting personal data, fighting unfair mass advertising, the permanency of data, and child online protection.

We recommend that regulators encourage the development of Codes of Practice for service providers, including OTTs, to ensure that content, promotion and operation of services comply with all necessary protection conditions.

d) Providing a sound framework for contractual services

We consider best practice to legally prohibit the use of general terms and conditions that provide to the customer's detriment and are contrary to the principles of good faith. Furthermore, unjustified and disproportionate differences between the rights and obligations arising under the contract should be prohibited irrespective as to whether or not it was concluded online. We further recognize the need to draw up transparent rules on the terms and conditions for concluding contracts online, the form of such contracts as well as the related procedures (e.g., user identification, order confirmation, cancellation and termination).

e) Multiple channels for redress

We believe that the regulator's role in mediating and escalating consumer complaints for redress is essential, and sound relationship with service providers needs to be maintained to this end. Complaints handling procedures that specifically encourage consumers to first seek redress with service providers can be successful and increase service providers' awareness of consumer needs, rights and responsibilities. We believe that consumers not only have the right to complain, but more importantly, have the right to seek a remedy whenever their rights have been infringed.

In the event of a dispute, alternative mechanisms (such as conciliation, arbitration and self-resolution) following clear and transparent procedures can be introduced for settling disputes in addition to formal adjudication and good offices, so that consumers can defend their rights rapidly and at lower cost. Specialized telecommunication/ICT mediation centres might prove particularly effective with this regard.

f) Quality of service

A series of measures can be taken to ensure that the consumer has easy and reliable access to ICT services. This could involve developing and regularly reviewing minimum quality of service standards and specifications of new technologies and services; monitoring network service providers; regularly assessing telecom/ICT services quality and publishing the results.

g) Protecting consumer privacy and data

We believe that establishing an integrated legal system for effectively protecting personal data and information is paramount for the digital world to thrive. We recommend that OTTs, and social media providers in particular, commit themselves to greater transparency in data processing, obtain the consent of their customers through opt-in before sharing their data and provide users with the option to clearly choose the nature (public or private) of their communications. Users should be able to make informed decisions about the degree to which their data can be accessed by others and the usage that third parties may make of it.

The online world exposes children and youth to specific risks, notably in terms of adult-only content and sexual predation. We acknowledge the importance of supplementing legal tools with a series of

measures that include public advocacy, content alerts and industry self-regulation initiatives while engaging further efforts in consumer education for targeted groups, such as children, youth, parents and teachers.

We believe that establishing a Cybersecurity Emergency Response Team (CERT) can yield multiple benefits to consumers in terms of providing, inter alia, an early warning service on threats and possible cyberattacks to both the general public and government agencies.

h) Empowering consumers

The ICT regulator should be proactive in promoting, informing, encouraging and raising awareness to stakeholders of the benefits and challenges of a connected broadband world. In doing so, it is important to recognize the need to protect and educate consumers with different access needs who may be particularly vulnerable to deceptive commercial practices or have difficulties fully understanding terms and conditions of service (e.g., the illiterate, the disabled, children and youth). In addition, a bottom-up approach targeted at citizens through the involvement of schools, community centres and NGOs, could greatly contribute to raising consumer awareness.

i) The consumer's right to information

Regulators need to ensure that all service providers make available timely and accurate information in a clear, transparent and comparable manner that is conducive to rational decision making. Consumers must understand their rights and obligations, prices and how they are calculated, and the quality of service provided. All regulations related to the consumer's right to information should be systematically updated so that they can be enforced in practice.

j) Redefining the role of regulators

We are mindful that the ICT regulator is increasingly seen as a partner to market players and an advocate for consumers' rights. Their decisions are taken based on evidence and technical expertise to foster access and use of ICTs, competitiveness of the markets, and overall social and economic development. It is, therefore, necessary to reconsider the mandate of ICT regulators with a view to strategically strengthening their enforcement power to respond to the challenges of the digital environment.

Conclusions

Effective information, education and protection in all possible forms, covering the full range of users of telecommunication services and information and communication technologies, are the principal pillars for restoring consumer confidence.

The gathering of delegates at the World Telecommunication Development Conference in Dubai in 2014 took a big step forward by including the study of **Question 6/1 "Consumer information, protection and rights: Laws, regulation, economic bases, consumer networks"** in the programme of study for the study period 2014-2018.

The Swiss contribution⁷⁴ to the Global Symposium for Regulators held in 2014 in Bahrain perfectly illustrates the issues considered in the report on Q6/1, and we should use that content in finalizing the report. Effective protection for consumers of electronic communication services requires regulatory action, going beyond issues of access and quality of access, on:

- E-Commerce;
- Social media;
- International cooperation.

⁷⁴ Office Fédéral de la Communication (OFCOM), Confederation of Switzerland.

a) E-Commerce

Consumers must be protected when engaging in online commerce at all stages of the contractual process.

Advertising: first, consumers have to be given the means of protecting themselves from aggressive advertising. In Switzerland, unfair mass advertising, or spamming, is prohibited, unless the customer has previously opted-in. Consumers targeted by abusive advertising campaigns can demand that their telecommunication service provider give them the name and address of the connection so that they can identify the advertiser. Furthermore, telecommunication service suppliers are under an obligation to fight unfair mass advertising.

Although not actually prohibited, unsolicited phone calls (cold calling) are disagreeable for consumers. In Switzerland, callers who do not respect the asterisk customers have had placed in the telephone directory to indicate that they do not wish to receive unfair advertising messages from third parties are subject to criminal penalties. If that measure is to be effective, however, call centres should also be obliged to publish an entry in the telephone directory, the use of hidden numbers should be prohibited and it should be possible to reach advertisers at both the number from which the cold call was placed and the number published in the directory. By the same token, customers should be able to demand that their telecommunication service supplier provide the name and address needed to identify the party making the cold call.

Contracts concluded online: legislators need to draw up transparent rules on the terms and conditions for concluding contracts online and the form of such contracts. In particular, parties engaging in e-commerce to sell merchandise, works or services must clearly indicate their full identity and contact information. This is what is stipulated in Swiss law, which also provides that the various technical stages leading to the conclusion of the contract must be indicated, that appropriate technical tools must be made available for detecting and correcting entry errors before an order is sent and that the customer's order must be confirmed without delay by e-mail message.

Contract validity: once the contract has been concluded, the consumer must not be left without remedies. In order to ensure that they are better protected against the risks related to Internet impulse buying, consumers must be able to cancel the contract within a deadline of several days (for example, 14 days). In addition, Swiss law prohibits the use of general terms and conditions that provide, to the customer's detriment and contrary to the rules of good faith, for an unjustified and disproportionate difference between the rights and obligations arising under the contract, whether it was concluded online or not.

Disputes: in the event of a dispute, consumers find it difficult to place the matter immediately before a civil court because of the length and cost of the proceedings. Alternative mechanisms (conciliation, arbitration) should therefore be introduced for settling disputes, so that consumers can defend their rights rapidly and at a lower cost.

Consumer information: the State should spare no effort in providing consumers with all the information they need to be informed e-commerce participants. In Switzerland, for example, the federal administration has drawn up guidelines for online purchases, the "*Guide des achats en ligne*", in French, German and Italian and in cooperation with the parties concerned.

b) Social media

In recent years, social media such as Facebook, Twitter and Instagram have grown exponentially worldwide. Estimates put the number of Facebook users alone at between 1.3 and 1.5 billion people at the end of 2013. Social media have substantial economic, social and political potential; they play a role, for example, in democracy-building processes. A relatively recent phenomenon, social media are also a source of many regulatory problems. In Switzerland, the protection of children and young people is a priority on the political agenda.

Legal aspects: Swiss telecommunication law, like comparable legislation in other countries, was drawn up at a time when the provision of telecommunication services still depended on the possession of a specific network designed for that specific purpose, or on authorized access to such a network. With developments in technology, the link between network and services has disappeared. Today, services may be provided by various means; they may even be provided by social media without the active participation of network operators. Should platforms such as Facebook and Twitter therefore be regarded as telecommunication service providers? To what rights and obligations should they be subject? These are pending legal questions that need to be discussed at international level as well.

Lack of data control and transparency: the fact that users lose almost all control over their data when they use social networks is a serious problem. The Council of Europe Committee of Ministers⁷⁵ recommends that platform operators engage in more transparent data processing, obtain the consent of the persons concerned and clearly indicate to users whether or not their communications are private or public.

Users should be able to make informed decisions about the degree to which their data can be accessed by others. Social network operators should not collect or process data from non-members and should use a configuration and software that respect user privacy. In addition, users should undertake not to publish content on other people unless the latter have given their consent. These recommendations could be implemented internationally as a form of industry self-regulation, for example a code of conduct. Platforms that try to keep their customers by blocking the transfer of personal data to a competitor are another instance in which users have found they have no control over their data. In future, it will probably become necessary to introduce legislation on data transfers or to regulate the interfaces between social network platforms.

Aspects relating to the protection of children and young people: social networks expose children and young people to specific risks, notably in terms of adult-only content and sexual predation by third parties. Because they do not have the requisite technical knowledge and are not really aware of the problem, young people are not always able to protect themselves against the risks related to problematic contacts or the transmission of personal data. The Internet never forgets; the permanency of data is a problem that children and young people are unable to gauge correctly. Often, the adults around them – their parents or teachers, for example – also lack the experience and technical knowledge needed to alert them to the risks of social media. Legal tools do not suffice to protect children and young people. They need to be supplemented with a series of measures that include public advocacy, content alerts and self-regulation initiatives in the industry. At the same time, the media savvy of children, young people, parents and teachers needs to be improved. Such measures must be drawn up using an interdisciplinary approach and must be complementary so as to create a coherent general framework.

c) International cooperation

In a globalized digital environment, the best national consumer protection measures are pointless if they cannot be implemented beyond borders. Multinational cooperation is required in order to deal effectively with cross-border phenomena such as e-Commerce and social media. In that regard, Switzerland applauds the preparation of guidelines on best practices.

GSR 2016 Best Practice Guidelines on Digital Financial Inclusion

As the digital economy unfolds, digital financial inclusion is likely to prove one of the most transformative applications it brings about. Banking the unbanked, like connecting the unconnected, is a major milestone towards universal growth and prosperity.⁷⁶ At the nexus of technology and finance, digital financial inclusion can be a powerful drive towards achieving the Sustainable Development Goals.

⁷⁵ Recommendation CM/Rec(2012)4 of the Committee of Ministers of the Council of Europe to member States on the protection of human rights with regard to social networking services.

⁷⁶ http://www.itu.int/en/ITU-D/Conferences/GSR/Documents/GSR2016/BPG_16_en.pdf.

The digital marketplace is constantly evolving and calls for new regulatory regimes. The fifth generation of ICT regulation is coming out of age, unleashing the potential of collaboration to set an enabling environment for innovation and investment.

Collaboration among all the various government agencies involved in overseeing the digital economy is essential to ensure that regulatory frameworks are consistent, predictable, fair and effective. Collaborative regulation can and will lead digital financial inclusion onwards and upwards, boosting entrepreneurship and e-Trade while enabling e-Government services and sustainable living styles.

We, the regulators participating in the 2016 Global Symposium for Regulators, recognize that there is no single, comprehensive blueprint for best practice, but agree that country experiences can be enlightening and guide us towards regulatory excellence. In the increasingly complex and dynamic ICT ecosystem, it is important to agree on common principles and put forward clear and simple rules.

We have, therefore, identified and endorsed these regulatory best practice guidelines to facilitate access to and the development of digital financial services for everyone.

– **Unleashing the potential of two-sided markets**

We recognize that the introduction of m-payments creates a significant opportunity to spread useful and responsible services for the unbanked or underbanked people.

Innovative two-sided platforms enable digital financial services such as mobile banking, mobile money micro finance, mobile commerce and international remittance services. While regulation is not a goal in itself, various regulatory measures can be considered to leverage the potential of such platforms for digital financial inclusion.

Holistic and balanced privacy and data protection legal frameworks need to be enacted, in accordance with internationally-agreed core principles. In order to enhance trust in new financial digital services, it is equally important to broaden the enforcement powers of the ICT regulator and strengthen sanctions in the case of fault, fraud or abuse.

Clear and straightforward rules and procedures for consumer protection of users of digital financial services should be implemented, in particular for terms and conditions of online contracts, the use of personal data by service providers, tariffs for services and quality of service. Transparent, fast and effective mechanisms for handling consumer complaints should be made available and enforced.

Interoperability among operators and service providers is essential for reaping the benefits of digital financial services. Regulatory measures geared towards interconnection, USSD access and tariff issues related to digital finance could enable interoperable services at the national level and globally.

Regulatory measures for reducing the cost of digital transactions and mobile payments can be put in place.

In view of weighing the impact of current regulations and revising them accordingly, we consider that ongoing monitoring and periodic assessment of the state of digital financial services are needed. Likewise, the views and experiences of all stakeholders should be taken into account and assessed. Adequate revision of regulatory policies should then be carried out.

– **Coining new regulatory approaches**

We believe that adopting suitable regulatory framework and policies related to digital financial services will encourage services providers to reach out to the unserved and underserved.

New regulations for digital financial services should be based on a functional approach. The regulatory agencies involved in the various aspects of such services need to reassess their regulatory objectives and examine how they can best be achieved, regardless of technology or legacy market structures.

Furthermore, regulations shouldn't allow different regulatory treatment or a two-track regulatory approach for incumbents and new players, both from the ICT and the finance sector.

A lighter licensing regime may be generally appropriate to allow digital financial services to thrive. Innovative licensing schemes for market entry, including provisional and temporary licenses, can be envisaged.

We reiterate that all regulators should consider transposing international best practices and guidelines for digital financial inclusion at the national level.

– **Addressing overlaps between sectors**

We believe that the various regulators need to collaborate to tackle issues related to digital financial inclusion, from their inception to adoption to ensuring consumer redress. The ICT regulator and the authorities regulating financial services as well as the dedicated competition and consumer protection authorities should know and fulfill their respective powers and responsibilities. Where their mandates overlap, specific mechanisms could be considered to ensure the interplay (such as memoranda of understanding or less formal agreements). Good governance principles and practical solutions should be leveraged for a truly collaborative approach to regulation.

A sound national framework for collaborative regulation goes a long way towards creating working synergies and effectively enabling new services. Such a framework could include:

Harmonization of the Telecommunications/ICT Act with the relevant financial legislation and regulatory policies as well as with those in critical cross-cutting areas such as consumer protection, cybersecurity, privacy and data protection.

Ongoing dialogue and regulatory cooperation regarding competition between financial and telecom service providers as well as over-the-top players.

Periodic open consultations and meetings with stakeholders, public and private, to monitor policy implementation.

A harmonization of legal and regulatory requirements for digital financial services at the regional or sub-regional level can have a multiplier effect on innovation and investment in national markets. The issue needs to be brought to the agenda of Regulatory Associations and Regional Economic Communities in view of facilitating the spread and benefits of digital financial inclusion in developing regions.

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