



# ACCESS BY CONSUMERS **TO ESSENTIAL SERVICES** energy, water and sanitation



UNITED NATIONS





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## NOTE

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## I. INTRODUCTION

The International Covenant on Economic, Social and Cultural Rights<sup>1</sup> recognizes that “the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy economic, social and cultural rights, as well as civil and political rights”. In 2010, the United Nations General Assembly explicitly recognized the human right to safe drinking water and sanitation and acknowledged that these are essential to the realization of all human rights.<sup>2</sup> In 2015, the General Assembly identified clean water and sanitation as Sustainable Development Goal 6 and affordable and clean energy as Sustainable Development Goal 7 of the 2030 Agenda for Sustainable Development.<sup>3</sup>

Also in 2015, the United Nations General Assembly adopted the revised United Nations guidelines for consumer protection (the guidelines),<sup>4</sup> which are universally recognized as a valuable set of principles for setting out the main characteristics of effective consumer protection legislation, enforcement institutions and redress systems. They aim to assist interested United Nations Member States in formulating and enforcing domestic and regional laws, rules and regulations that are suitable to their own economic, social and environmental circumstances, while encouraging the sharing of experiences in consumer protection.

The first two “legitimate needs” recognized by the guidelines in paragraph 5 are “access by consumers to essential goods and services” and “the protection of vulnerable and disadvantaged consumers”. Paragraph 77 recommends that Member States “should promote universal access to public utilities and formulate, maintain or strengthen national policies to improve

widely implemented by UNCTAD member States.<sup>5</sup> The fifth session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy, convened by UNCTAD and held on 5 and 6 July 2021, discussed the consumer protection needs of vulnerable and disadvantaged consumers in connection with public utilities. Those discussions were supported by an UNCTAD secretariat note under the same name, which informs the present report.<sup>6</sup>

The coronavirus disease (COVID-19) crisis highlighted the importance of consumer policies to protect citizens from vulnerability and exclusion. In April 2020,<sup>7</sup> UNCTAD gathered evidence of initiatives from consumer protection agencies in the first wave of the pandemic. Many countries suspended the payment of public utility bills, energy and water, for vulnerable consumers, such as those who lost their jobs because of the pandemic. Examples include Argentina, Brazil, France, Portugal and Spain the last two having widened suspension of service cuts for non-payment still further, including fixed and mobile telephony, Internet and cable television. Gentilini U et al. (2021) recorded the “waiving or postponing payments for utilities and other financial obligations adopted in an astounding 701 cases across 181 countries”.<sup>8</sup>

Government intervention is clearly proving necessary to meet consumer needs in public utilities, and its extent is an implicit global recognition of their importance. This recognition has grown during the COVID-19 crisis as the health risks of confinement have become more apparent even when not directly related to actual infection. The Sustainable Development Goal 6 tracking report for 2018 stated that “handwashing with soap and water is widely recognized as a top

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