

“Migrants and Consumer Protection in Digital Markets” - 12.02.2015

Results of the three workshops:

Presentation of the market check results and the DIGITAL Forum

On February 12th 2015, the results of the market checks for ethnic cellphone rates and the interactive internet platform “DIGITAL Forum” were presented at the third workshop of the “Migrants and Consumer Protection in Digital Markets” workshop. Board members were in attendance alongside several consumer centers numerous multipliers from Russian and Turkish migrant associations and representatives of social counseling services.

Irmgard Czarnecki, Managing Director of the Bremen Consumer Advice Service, emphasized the enormous importance of the event for the exchange with representatives of migrant organizations in her introductory speech. She appealed to the migrant associations to campaign for the “idea of the consumer centers“. Mrs Czarnecki made it clear that the consumer centers are not an authority. Therefore, migrants do not have to have any “fear of entering the place”.

In the first part of the workshop, the project leader Dr. Çiçek Bacik report on the results of the market check on country-specific rates and gave tips for dealing with consumer traps.

The market check was carried out in cooperation with the Consumer Advice Services of Bremen and Hamburg from 16.06.2014 – 31.07.2014. In the market check, the websites of five selected telecommunications businesses (Ay Yıldız, Turkcell, Türk Telekom Mobile, Eco World Connect and Star Communications) and ten cellphone rates in total were investigated for consumer-friendliness.

As main focuses, the following was tested: Presentation of prices, ease of access of the terms and conditions, revocation instructions, multilingualism of the websites and the hotlines, data protection statements and the compulsory details in the disclaimer.

Dr. Bacik reported that the examined websites of rates have proven to be unclear for consumers. Details on the prices are hidden in footnotes and price lists and are difficult for consumers to access. Businesses also tried to target customers with introductory offers and low prices. The terms and conditions are difficult to access for consumers and not available in multiple languages. It is very difficult for cellphone customers to determine, with which providers they conclude contracts, as different terms and conditions and price lists have put on the websites of the providers by the cooperating businesses.

It was mentioned as an important result of the market check that examined revocation information did not correspond to the valid legal provisions.

The data protection notices may be difficult to access for consumers since they are mostly only available in German and not available on a separate point on the websites. Also three of the

five companies did not meet the legal requirements for the disclaimer. Here, complete addresses, mandatory telephone and e-mail details and the reference were all missing in parts. In her statement, Dr. Bacik indicated that all investigated companies only offer contracts with a 24-month term on their websites and, in violation of their legal obligations, gave no evidence of a shorter contract term of 12 months.

Finally, Dr. Bacik pleaded for better information for the consumers in order to encourage sensitivity, especially in the field of data protection and terms and conditions.

The investigated businesses, which have hardly been the focus of regulatory authorities before, specifically exploited the language deficiencies of migrants. For this reason, the implementation of the telecommunications regulation is an urgent solution proposal to improve transparency of consumer rights in the cellular communications sector. In particular, the product information sheet for consumers foreseen in the regulation draft, from which the key information relevant to the contract, such as the monthly charge, length of contract etc., should be introduced. Other demands, which were already communicated in the follow-up to the market check at the press conference on October 16th 2014, was the expansion of the awareness campaign and the advice of the Consumer Advice Centers for migrants.

In the second part of the workshop, Ünal Zeran, lawyer and project coordinator for the Hamburg Consumer Advice Center, informed the participants on the warnings and reactions of the investigated companies to the market check. At the start, Zeran indicated that the Consumer Advice Centers have a right of collective action and the migrants could benefit from it. He pointed out that the consumers are not in focus even in class actions. Furthermore, he stated that four out of five examined businesses were warned due to non-compliance of the legal regulations and all businesses responded to this warning and made their websites more consumer-friendly.

Shortly afterwards, Turkcell discontinued the disputed rate. Alongside Turkcell, Ai Yildiz, the subsidiary of E-Plus, was also warned. This provider promised improvement after the warning and criticism in the media. Since then, Turkish footnotes have also been put on the website. Star Communications and Eco World Connect, which were also warned, have also issued declarations of discontinuance. The warnings also led to the cooperation partners were presented more clearly on the websites by the businesses.

In the third part of the workshop, Ekaterina Quehl, project worker of the Berlin Consumer Advice Service, presented the "DIGITAL Forum", which went online in December 2014. She reported that there no advice on digital markets in either Turkish or Russian could be found on the Internet and that migrants exchange their own experiences of the digital market on mother-tongue fora. To give consumers with an immigrant background assistance beyond their usual channels of communication, the interactive consumer platform "DIGITAL Forum" was launched online. The "DIGITAL Forum" was conceived as a Q&A platform. The consumers can, without prior notification, put questions to the mother tongue team on the topics of telecommunications, Internet, data protection and broadcasts. Answers are put in Turkish or Russian on request.

Quehl explained that the forum is not operated in live mode. Selected questions and answers from the forum will be published anonymously on the project page. She pointed out that the “Forum DIGITAL“ is not a substitute for individual legal advice and those seeking advice with a complex legal problem would be referred to the counseling centers of the Consumer Advice Centers.

The plan is to hold the “DIGITAL Forum” by 2015.

In the fourth part of the workshop, Carola Elbrecht, Project Manager of “Internet Surfers Have Rights” in the Federation of German Consumer Advice Centers, Irmgard Czarnecki, Executive Director of the Bremen Consumer Advice Center, Dr. Günter Hörmann, Director of the Hamburg Consumer Advice Center, and Dörte Eiß, Head of the Berlin Consumer Advice Center, discussed consumer rights in digital markets.

Before the start of the discussion, Carola Elbrecht, leader of the project “Internet Surfers Have Rights”, briefly presented her project: The project, which was supported by the Federal Ministry of Justice and Consumer Protection, educates Internet users about consumer rights in the digital world. With the help of various handouts (consumer information, checklists, sample letters, etc.), the project informs consumers how to deal with various offers and services on the Internet. In the discussion, Elbrecht explained that the difficulties of migrants in the digital world are insufficiently regarded and that the market check results to on country-specific rates throw a light on this problem area.

Irmgard Czarnecki noted that it was no coincidence that this project was located in Bremen, Hamburg and Berlin, because the number of immigrants is highest in these cities. In Bremen the Consumer Association have gained very good experience with “Shopping Guide for Muslims”, which appeared in an edition of 20,000 copies. Mrs. Czarnecki emphasized the good contacts with migrant organizations. However, it is difficult to make it clear to consumers that the Consumer Association is on their side. The leader of the project Anti-Discrimination Network of the Turkish Union of Berlin Brandenburg, Eva Andrade, asked panelists what initiatives have been launched by the Consumer Advice Centers to reflect the cultural diversity within their own ranks and to reach the migrants. Dörte Eiß referred to the long tradition of the Berlin Consumer Advice Center that has been advising migrants of Turkish origin for over 20 years. In this context, she mentioned, inter alia, visiting consumer protection, which has been carried out since 2012. Currently, on-site consultations are conducted in Marzahn and Lichtenberg, also in Russian, if necessary. Also, presentations are held especially for consumers of a migrant background. In this way, the Consumer Berlin is trying to reduce the inhibition threshold for migrants in relation to the Consumer Advice Center. Counseling is also offered in the Consumer Advice Center of Berlin in Turkish and Russian. Multiplier training be conducted in collaboration with other project leaders for migrant organizations. To reflect the cultural diversity within their own ranks, several employees have been recently recruited from immigrant backgrounds as new appointments.

In this connection, Czarnecki drew attention to the financial dependence of the Consumer Advice Centers on state governments and projects. Funds are too scarce to provide appropriate counseling services for immigrants. Many participants stressed the importance of consumer education in schools to make children and parents aware of it. Eva Andrades, from the Berlin Anti-Discrimination Network pointed to the lack of interest of the Consumer Advice Centers in taking action against discrimination against consumers of an immigrant background. Dörte Eiß explained that it was difficult to prove cases of discrimination.

In Czarnecki's view, the project "Migrants and Consumer Protection in Digital Markets" has achieved broad publicity due to the results of the market check. The aim of it was to draw the attention of migrants to their rights.

Zeki Çağlar of the Center for Migration and Integration of the Workers' Welfare Federal Association in Wedding pointed to the opportunity to develop further access to the target group through participation in integration courses. Larissa Gheorghienko from the International Youth Art and Culture House in Friedrichshain-Kreuzberg recommended that the Consumer Advice Centers not to neglect the numerous illiterate people and to make their consumers information accessible to the target audience. At this point, Dörte Eiß pointed out that the results of the project were voiced in Turkish, Russian and German and posted on the website.

All participants of the workshop expressed the view that the telecommunications companies were under an obligation to inform the audience on important contractual points (general terms and conditions, revocation information, contractual partners, etc.) and data protection in the mother tongue as well. The representatives of the consumer organizations argue for a greater control of the provider of country-specific rates and appealed to the representatives of migrant organizations, to recommend to migrants that they contact the counseling centers of Customer Advice Centers if they have any problems.