



Working Group on Consumer Protection and Gender

Concept Note

Background

The Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy in its sixth session of 18 and 19 July 2022 reaffirmed "the fundamental role that consumer protection law and policy plays in the achievement of the 2030 Agenda for Sustainable Development, by ensuring access by consumers to essential goods and services, empowering consumers and protecting them from fraudulent and deceptive commercial practices and boosting consumer education to ensure more informed choices."

The IGE also welcomed the initiatives carried out by individual member States, UNCTAD and other organizations and networks in building capacity and strengthening institutions in the area of consumer protection; calling upon all interested parties to work together and identify and strengthen synergies.

Furthermore, member States requested the UNCTAD secretariat to establish a working group on consumer protection and gender (para. 15 of the agreed conclusions of the IGE):

“Requests the UNCTAD secretariat to convene a working group on consumer protection and gender to highlight best practices, to facilitate information exchange and consultations, led and integrated by member States on a voluntary basis, without financial implications for the regular budget of the United Nations, and to report to the seventh session of the Intergovernmental Group of Experts”

This concept note aims at initiating the work towards establishing the working group, setting out its terms of reference.

Purpose

The purpose of this working group is to provide a forum for member States representatives and interested stakeholders to discuss the impact of gender on consumer issues, exchanging experiences on different strategies and approaches to overcome challenges; and eventually draft policy recommendations/guidance on issues highlighted in the Group’s discussions, and a compilation of best practices on consumer protection and gender.

Method of work

The consumer protection and gender working group will hold regular online meetings to discuss specific topics, which are identified in advance, from September 2022 to June 2023. The Secretariat will organize the discussions and carry out consultations with member States



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representatives and interested stakeholders on the proposed topics for discussion. For this purpose, it is essential to establish a list of contact persons to be appointed by consumer protection agencies to participate in the work of the Group as soon as possible.

The Secretariat may take advantage of the international and regional conferences and meetings, such as the International Consumer Protection and Enforcement Network (ICPEN) and the Ibero-American Forum of Consumer Protection Agencies (FIAGC) conferences and other intergovernmental meetings in Geneva, to organize meetings of the Working Group. UNCTAD will also consider holding meetings back-to-back with its technical assistance activities in various parts of the world. Annex II shows preliminary tentative dates and deadlines for the work of the Group.

Outcomes

The Group will aim at identifying priority issues for consumers and/or consumer protection agencies for discussion in the Group in the first place. The Group will eventually produce:

- a) An analysis of the impact of gender on consumer issues and challenges, especially by vulnerable groups, and policy recommendations/guidance addressing these challenges.
- b) A compilation of best practices in consumer protection and gender.

The role of UNCTAD Secretariat

The UNCTAD Secretariat (Competition and Consumer Policies Branch) will take the lead in the establishment and organization of the work of the Group and will provide support to ensure good quality and timely outcome of the discussions.

Member States will play a key role in the discussions and in the formulation of the outcomes of the Group's work. Therefore, the Secretariat expects active engagement of member States representatives and interested stakeholders in the discussions and meetings of the Working Group.



Annex I: United Nations Guidelines for Consumer Protection

III. General principles

4. Member States **should develop, strengthen or maintain a strong consumer protection policy**, taking into account the guidelines set out below and relevant international agreements. In so doing, each Member State must set its own priorities for the protection of consumers in accordance with the economics, social and environmental circumstances of the country and the needs of its population, and bearing in mind the costs and benefits of proposed measures.

5. The legitimate needs which the guidelines are intended to meet are the following:

- a) Access by consumers to essential goods and services;
- b) The protection of vulnerable and disadvantaged consumers;**
- c) The protection of consumers from hazards to their health and safety;**
- d) The promotion and protection of the economic interests of consumers;**
- e) (e) Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs;**
- f) Consumer education, including education on the environmental, social and economic consequences of consumer choice;**
- g) Availability of effective consumer dispute resolution and redress;
- h) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision-making processes affecting them;
- i) The promotion of sustainable consumption patterns;
- j) A level of protection for consumers using electronic commerce that is not less than that afforded in other forms of commerce;
- k) The protection of consumer privacy and the global free flow of information

IV. Principles for good business practices

11. The principles that establish benchmarks for good business practices for conducting online and offline commercial activities with consumers are as follows:

- a) **Fair and equitable treatment.** Business should deal fairly and honestly with consumers at all stages of their relationship, so that it is an integral part of the business culture. Businesses should avoid practices that harm consumers, particularly with respect to vulnerable and disadvantaged consumers;
- b) **Commercial behaviour.** Businesses should not subject consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, abusive debt collection or other improper behaviour that may pose unnecessary risks or harm to consumers. Businesses and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective.
- c) **Disclosure and transparency.** Businesses should provide complete, accurate and not misleading information regarding the goods and services, terms, conditions, applicable fees



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and final costs to enable consumers to take informed decisions. Businesses should ensure easy access to this information, especially to the key terms and conditions regardless of the means of technology used

- d) **Education and awareness-raising.** Business should, as appropriate develop programmes and mechanisms to assist consumers to develop the knowledge and skills necessary to understand risks, including financial risks, to take informed decisions and to access competent and professional advice and assistance, preferably from an independent third party, when needed.
- e) (e) Protection of privacy. Businesses should protect consumers' privacy through a combination of appropriate control, security, transparency and consent mechanisms relating to the collection and use of their personal data.
- f) Consumer complaints and disputes. Businesses should make available complaints-handling mechanisms that provide consumers with expeditious, fair, transparent, inexpensive, accessible, speedy and effective dispute resolution without unnecessary cost or burden. Businesses should consider subscribing to domestic and international standards pertaining to internal complaints handling, alternative dispute resolution services and customer satisfaction codes.



Annex II: Tentative dates for the work of the Group

Below is a tentative schedule of meetings of the working group. The Working Group will meet approximately every 2 months until the seventh session of the IGE (probably in the first week July 2023) could be as follows:

Tentative Dates	Remarks
29 September 2022	First Meeting. WG Agenda approval and connecting points: consumer protection and gender
17 November 2022	Second Meeting. Exchange of experiences. Proposals of recommendations
15 February 2023	Third Meeting. Business engagement: best practices and roles
12 April 2023	Fourth Meeting. Recommendations
30 May 2023	Last Meeting. Organization: presentation WG results at the IGE 7 th Session

More meetings may be called, if needed, upon request from participating member States.

Possible outcomes

The discussions of the Working Group will be reported orally by the secretariat to the seventh session of the IGE.

If the Working Group reaches consensus on some recommendation/instrument/proposal, it will be submitted for consideration of the IGE.