

Contributions Working Group on Consumer Protection and Gender

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GUIDING QUESTIONS

“WG on Consumer Protection and Gender” - UNCTAD

Country: Argentina

1. *What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?*

Argentina has shown its commitment to mainstream gender equality throughout consumer protection and reducing gender gaps in consumer relations has been a key point in our agenda.

In spite of that, there are still lot of challenges to face, regarding:

- access to affordable and sustainable reproductive health and period management products;
- pink tax;
- fair and non-discriminatory treatment and the importance of business guidance on gender and diversity to paradigm shift. We would like to highlight the Act 26.743 on Gender Identity, article 12¹, which allows people to be treated according to their gender identity despite the name in their ID;
- Mandatory Medical Plan (PMO) and its compliance, with special focus in medical transgender treatments;
- consumer education;
- to tackle sexist advertising, but also to foster positive impact through advertisement, for example, working side by side with influencers;
- protocols on gender, work side by side with businesses.

2. *Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?*

Argentina has developed many strategies both at national, regional and international levels, that goes through legislation and regulatory framework, good business practices, cooperation with international organizations, consumer associations and other stakeholders.

¹ <https://www.boletinoficial.gob.ar/detalleAviso/primera/70106/20120524>

We could mention some examples:

- Resolution 139/2020² on “Hyper-vulnerable Consumers” of the Secretariat of Internal Trade and Resolution GMC 11/2021 on “Hyper-vulnerable Consumer Protection” of MERCOSUR, internalized by Resolution 1015/2021³ of the Secretariat of Internal Trade;
- Resolution 1040/2021⁴ of the Secretariat of Internal Trade that approves the “*Guide for Good Practices in Consumer Relations with the Perspective on Gender and Diversity*”;
- Resolution 889/2021⁵ of the Secretariat of Internal Trade, which establishes the “Mandatory and continuous training in gender perspective” as a condition of permanence on the National Registry of Consumer Associations’ Representatives and on the National Registry of Business Associations’ Representatives.
- The Argentinian School for Consumer Education offers an online free of charge course on “Equity and Consumption”⁶;
- Argentina leads the Working Group on Gender and Consumption of the Iberoamerican Forum of Governmental Consumer Protection Agencies, which has developed a report on “Current affairs and Recommendations on Gender and Consumption”⁷, moreover, the WGGC has organized the “Workshop on gender and consumption”⁸, among other initiatives.
- Add a specific link on “Gender and diversities”⁹ on our institutional website.
- Contest of Consumer Association’s Projects to promote hyper-vulnerable consumers’ rights¹⁰.
- Special treatment to manage their complaints through the Hyper-vulnerable Program (non compliance with Mandatory Medical Plan or legislation on voluntary interruption pregnancy, discriminatory treatment, etc).
- Administrative proceedings against sexist advertising and abusive practices.

² <https://www.boletinoficial.gob.ar/detalleAviso/primera/229875/20200528>

³ <https://www.boletinoficial.gob.ar/detalleAviso/primera/250446/20211004>

⁴ <https://www.boletinoficial.gob.ar/detalleAviso/primera/251209/20211019>

⁵ <https://www.boletinoficial.gob.ar/detalleAviso/primera/249043/20210903>

⁶ https://www.argentina.gob.ar/sites/default/files/ce1e-2022_-_programa.pdf

⁷ https://fiagc.org.mx/pdf/Actualidad_recomendaciones_materia_genero_consumo_FIAGC.pdf

⁸ <https://youtu.be/r4s0ZSaWfXw> y <https://youtu.be/eh0luVdRoEI>

⁹ <https://www.argentina.gob.ar/produccion/defensadelconsumidor/generos-y-diversidades>

¹⁰ <https://www.argentina.gob.ar/produccion/defensadelconsumidor/registro-nacional-de-asociaciones-de-consumidores/concurso-de>

- Awareness campaigns related to clothing sizes legislation.

Those are some of the public policies implemented, but Argentina is still fostering actions and measures to consolidate gender equality in consumer relations and without gender bias.

3. Are there any statistics on consumer protection and gender? (If yes, please share them)

We published statistics related to gender and consumer protection on our institutional website:

<https://www.argentina.gob.ar/produccion/defensadelconsumidor/indicadores/hipervulnerables>

Furthermore, in 2021, Argentina published a report on “*Period management products. +Precios Cuidados*”, which includes statistics about available products and prices in different locations of the country. To know more, you can access to the complete report following the link below:

https://www.argentina.gob.ar/sites/default/files/productos_de_gestion_menstrual_precios_cuidado.pdf

Australia

Australian Competition and Consumer Commission response to UNCTAD Working Group on Consumer Protection and Gender survey

15 February 2023

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What are the challenges you identify in consumer protection and gender? Can you identify different impacts of gender on consumer relations in your country?

Challenges

The main challenge with consumer protection and gender is having gendered data. Currently the Australian Competition and Consumer Commission (ACCC) only collects gender data in relation to scams. In cases where data is available, another challenge is having the awareness and knowledge to complete gendered analysis to see if there are relevant issues. To do this effectively, it is important to have data for other demographic factors, so any gendered impacts can be isolated.

Internally, there is not enough understanding about the potential effects of gender on consumer behaviour and whether harm is experienced differently by different genders. The ACCC does consider other factors like vulnerable consumers (e.g., elderly), consumer location (e.g., remote communities) and issues affecting First Nations consumers when deciding how or when to take action. This kind of analysis has not extended to gender to date, except for scams-related work.

An additional challenge is shifting away from the gender binary to recognising gender as a spectrum with many gender identities. The Australian Bureau of Statistics has a standard for how to collect data on gender identities, but this is not universally applied. In many cases, where data is collected on gender identities there is only statistically significant data for those who identify as male or female.

Finally, it can be challenging to find previous examples of analysis or results that are publicly available. It has been challenging to find reports or media releases related to consumer protection that discuss gender-related effects.

Impacts

Demographic data is used at the ACCC to understand who is impacted by conduct. For example, in relation to scams, the ACCC uses the data to provide warnings and information to people in a more effective way. Gender analysis is useful for examining the types of scams that men and women are more likely to fall victim to. This has directly impacted the community education content developed by the ACCC. It also helps the ACCC select representative case studies for use in media and for educational content.

Although gender work is rare for other areas at the ACCC, we anticipate that analysing gender data could impact trends, outreach and engagement strategies, and related recommendations. Gendered analysis could enable the ACCC to have more targeted outreach and help us make sure we have the right mix of people represented. It could also lead to better awareness about what issues are affecting different groups of consumers and what steps should be taken to resolve or mitigate issues. Including the results of gendered analysis in public reports could facilitate cooperation and lead to sharing of best practices among different agencies and regulators.

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

The first challenge for the ACCC is to collect the data. We are identifying where data collection gaps exist and plan to work with teams to try to collect more gender data as part of our regular complaint collection processes, such as online forms. We will also try to work with teams who conduct consumer surveys to ensure demographic data is collected and analysed to see if there are diverse affects by gender.

We then plan to carry out further work with consumer protection teams to raise awareness of the potential implications of gendered analysis. We hope to work with teams to collect information in a uniform way reflecting the gender spectrum.

It would also be useful to include gendered analysis in public reports whenever possible. This will help raise awareness with the public, but also with partners about the work we are doing and serve as a reference for any future research on consumer protection and gender.

Are there any statistics on consumer protection and gender? (If yes, please share them)

As mentioned above, the only area where the ACCC collects gender data is in relation to scams. Gender analysis is included in the annual Targeting Scams Report series. For example, the report on scams in 2021 includes gender analysis on page 35. It explains, with quantitative data, the differences in the top scams affecting men and women. While we do collect data in relation to non-binary genders, there was not a statistically significant amount available to include in the report. Other factors such as age, location and scams affecting diverse groups in Australia (e.g., First Nations, culturally and linguistically diverse communities, people with disabilities) are also reported on.

Botswana

UNCTAD SURVEY ON THE CONSUMER AND GENDER

The department has been tasked with contributing in the survey carried out by UNCTAD with the intention of getting clarity on some pointers relating to the consumer and gender. The survey seeks for the department to consider the following three (3) questions:

1. Whether the department has identified challenges in consumer protection and gender.

The department receives complaints from the general public and has not identified any challenges relating to consumer protection and gender to date.

2. Whether the department has developed strategies to tackle the challenges.

The department has not developed any strategies in the region as currently there are no gender specific challenges experienced.

3. Whether there are any statistics on consumer protection and gender.

When receiving complaints from consumers, the information recorded has no mention of gender and, as such, the department has no statistics that categorise consumers according to gender. The determining factor is whether one satisfies the definition of “Consumer” as provided by the Consumer Protection Act, 2018.

The Act defines the Consumer as “any person or non-profit making organization to whom or to which any commodity is offered, supplied or made available, where such person or organization does not intend to apply the commodity for the purposes of resale, lease, rendering services or the manufacture of goods for gain”.

Additionally, the department does verify if the allegation reported to it contravenes any provision of the Act to determine whether an unfair business practice has been committed or not.

Brazil

What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

One key area is improving legislation and policies to protect vulnerable and disadvantaged consumers, including consumer education, focused on the environmental, social and economic consequences of their choices, especially with regard to green consumerism. According to available data, 66.24% of complaints in the perfumery/cosmetics/personal hygiene sectors in Brazil are from female consumers. In sectors such as healthcare, the numbers are similar.

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

In recent years, Brazil has developed policies to address abusive marketing tactics, debt collection, recall campaigns and others measures to protect consumers from businesses practices and products that may pose unnecessary risks for them.

The National Consumer Secretariat of the Ministry of Justice of Brazil (SENACON), through the National School for Consumer Defense (ENDC), has developed training programs to assist consumers and consumer protection authorities in raising awareness of risks, and of the importance of informed decision-making and of access to competent assistance.

Lastly, Brazil has developed an online dispute resolution platform called “consumidor.gov.br”. The main innovation of the platform is the direct contact between consumers and companies, in a totally public and transparent environment, without the intervention of the Government in individual cases. The data registered in “consumidor.gov.br” feeds into a public database on companies that obtained the best resolution and satisfaction rates in handling complaints.

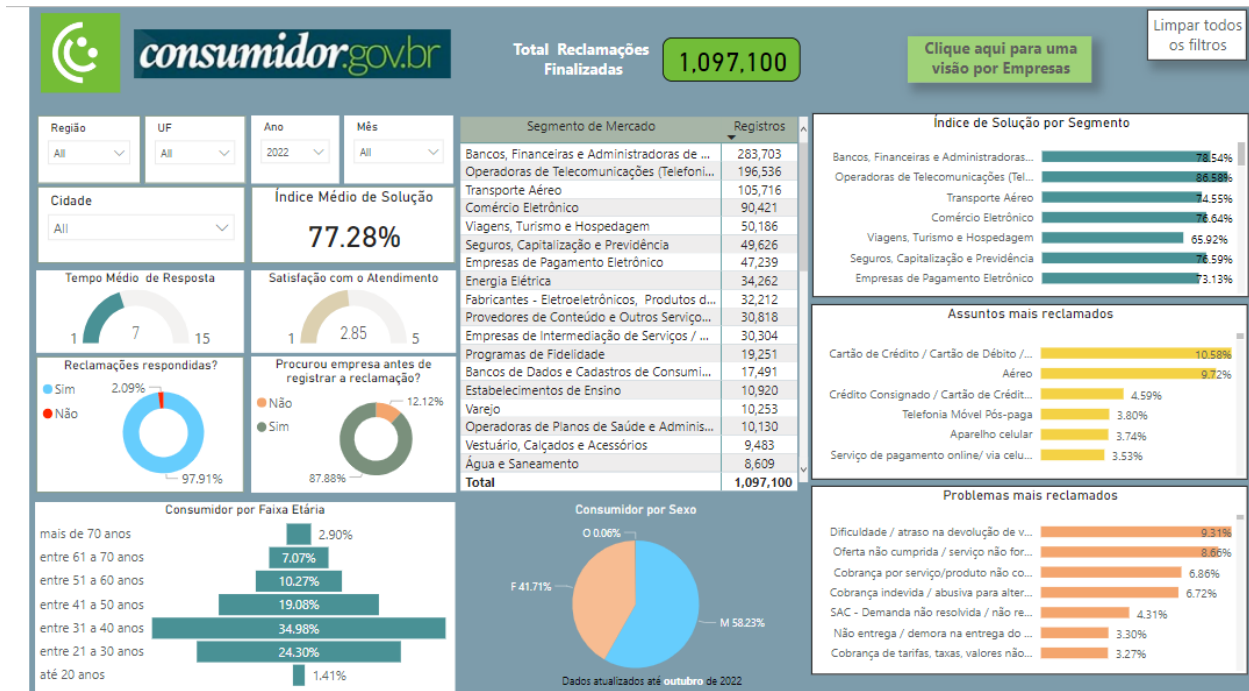
Are there any statistics on consumer protection and gender? (If yes, please share them)

General statistics on consumer protection and gender can be found at:

<https://app.powerbi.com/view?r=eyJrIjoiaWY4ZDRhMzYtMDYxNS00MjA0LWE2MjltOGlyNDZiMzEwNThjIiwidCI6ImViMDkwNDIwLTQ0NGMtNDNmNy05MWYyLTRiOGRhNmJmZThlMSJ9>

Additionally, specific statistics for telecommunication services can be found at:

<https://informacoes.anatel.gov.br/paineis/consumidor/pesquisa-de-satisfacao>



Indicador	Ano	Estado	Serviço							
LIMPAR	Serviço Banda Larga Fixa	Estado Média Brasil	Indicador Satisfação Geral							
			Ano 2021							
De 51 a 70 anos	33,4%	31,2%	14,3%	30,3%	10,3%	38,1%	19,2%	22,3%	22,7%	41,3%
Mais de 70 anos	5,4%	3,8%	0,9%	5,4%	-	6,0%	0,9%	1,7%	2,5%	5,5%

Gênero - percentual por operadora

Banda Larga Fixa / Média Brasil / 2021



Andre Luiz Lettieri Alves

Terceiro-Secretário

Divisão de Defesa Comercial e Salvaguardas (DDF)

Ministério das Relações Exteriores

República Federativa do Brasil

Kingdom of Eswatini

- *What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?*

No challenges have been identified in this respect and no noted impacts of gender on consumer protection.

- *Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?*

None.

- *Are there any statistics on consumer protection and gender? (If yes, please share them)*

No, except to mention that since inception of the Consumer Protection Department sometime in 2017, the Eswatini Competition Commission has observed that, a majority of consumer complaints reported in the Commission are from female consumers.

European Commission

Response from the European Commission, DG Justice and Consumers, Unit E.4 “Product safety and Rapid Alert System”

What are the challenges you identify in consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

The European Commission recently organised, in the framework of the International Product Safety Week in November 2022, a panel session to discuss if and how gender and sex differences impact product safety. The speakers included regulators, standardisation organisations, businesses and civil society organisations.

The main challenges preliminary identified in product safety and gender were the following:

- Gender-bias in the design and testing of products, which may result in items posing higher risks for women
- Lack of gender-disaggregated data on products’ impact on the health and safety, even though women and men experience gender-specific health risks
- Gender-bias in the design and revision of standards, and lack of representativeness in the standards development process
- Need for more research on the health’s consequences of products specifically designed for women

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

The Communication ‘A Union of Equality: Gender Equality Strategy 2020-2025’ clearly states that the European Commission will enhance gender mainstreaming by systematically including a gender perspective in all stages of policy design in all EU policy areas, internal and external. Moreover, the New Consumer Agenda aims to protect vulnerable consumers and highlights that their vulnerability can be driven by characteristics such as their gender.

In this vein, as explained above, the European Commission has started a reflection to identify the challenges related to gender and product safety. At the same time, the provisionally agreed General Product Safety Regulation [adoption and entry into application planned for Q1 2023 and Q4 2024, respectively] stipulates that the impact of gender differences on health and safety should be taking into account when assessing the safety of a product. For this purpose, the European Commission aims to gather evidence in order to update the risk assessment methodology. In addition, the General Product Safety Regulation also mentions the Declaration on Gender Responsive standards, which outlines several actions that national standard bodies and standards developing organisations should include in their gender action plan.

Are there any statistics on consumer protection and gender? (if yes, please share them)

There are no statistics so far on product safety and gender.

Canada

Response from Health Canada's Consumer and Hazardous Products Safety Directorate

Questions

Participants agreed on the circulation of the following questions to identify the basic status and actions on consumer protection and gender in member States:

1. *What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?*

Health Canada's Consumer Product Safety Program ("the Program") benefits all Canadians by helping to protect them from the potential health and safety risks posed by consumer products and cosmetics in the Canadian marketplace. Specifically, the Program promotes, monitors, verifies and enforces compliance with the *Canada Consumer Product Safety Act (CCPSA)*, as well as the cosmetic-related provisions of the *Food and Drugs Act (FDA)* and the *Cosmetic Regulations*. It reviews incident reports submitted by industry and consumers, and regularly monitors the marketplace to identify potentially dangerous products. The Program also gathers information domestically and internationally about injuries, emerging issues and new science related to consumer product and cosmetic safety.

Unconscious bias may be present within science-based programs, such as the Program, and may impact consumer protection and gender. Without taking a closer look at all aspects of our decision-making process and challenging long-held assumptions, biases may persist. These biases can disproportionately affect certain populations¹¹. The Program therefore aims to review its decision-making process to identify potential blind spots and mitigate areas of potential bias.

An additional challenge related to consumer protection and gender relates to the availability of disaggregated data, particularly as it pertains to demographic variables, such as sex and gender and other diversity identifiers (e.g., age, geographic location). The Program is a post-market regulatory regime whereby Program intelligence is primarily gathered through mandatory industry reporting of consumer product incidents, voluntary industry reporting of cosmetic incidents, and voluntary consumer reporting of consumer product and cosmetic incidents, as well as external data sources, such as media articles, hospital or fire marshal reporting and coroners' databases. Incident reports received by the Program and external data shared with the Program do not consistently include demographic information, such as sex or gender. These reports are often submitted by a person other than the one who was injured by a consumer product, so accurate gender information may not be available. Mandatory incident reports do

¹¹ Recent guidance from Public Health Agency of Canada suggests moving away from using the terms "at-risk" and "vulnerable" populations. The preferred terms include "priority populations" or other language that specifically identifies that persons have been made vulnerable, or that they face barriers to equity. If groups have inherent characteristic such as age, biological sex, etc., which increases their susceptibility or exposure, it is suggested to explain this, where relevant. For more information, please visit:

[Inclusive Language Guide – Public Health Agency of Canada | Health Canada PHAC Intranet \(hc-sc.gc.ca\)](#)

not consistently include information about the gender of the person potentially harmed by a consumer product because the consumer may not have given permission to the company to share it, or the consumer may not have provided it to the company in the first place. Consumers also do not consistently fill out the gender section of the form when submitting voluntary incident reports to the Program on behalf of themselves or others. As well, the incident reports received by the Program are expected to only be a small fraction of the incidents that occur due to underreporting. For example, it is estimated that less than 1% of fire incidents related to consumer products were reported to the Program. As a result of this incomplete data, it is difficult to determine if there are different rates or types of injuries caused by a product depending on gender.

Moreover, third party data sources accessed by the Program may not always include sex and gender information for many reasons, including privacy. The disaggregated data the Program does receive from provincial or territorial partners, such as hospitals and coroners, are expected to be based upon the person's health card, which is usually based on biological sex, not gender identity. The Program was informed by one of its partners that there are ethical concerns around asking injured patients if their gender matches their health card information for research or analysis purposes unrelated to treating their injury. The main concern raised was that asking hospital patients to confirm their gender may discourage some people from seeking care or affect the quality of their care.

The Program also conducts a survey of Canadians every two to three years to evaluate the effectiveness of Program guidance and outreach material; while this survey does ask about gender, the scope and nature of questions may need to be expanded, to further examine any areas that may be disproportionately impact certain populations. For example, it may be that outreach messaging is received differently by consumers based on their sex or gender identity, or other diversity characteristics – further analysis and data is needed to inform our understanding of consumer protection and gender. Additionally, further research is needed to determine which identify factors may impact and be impacted by product safety considerations.

2. Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

Sex and Gender Based Analysis Plus (SGBA Plus) is a priority within the Federal Government of Canada (GoC), and is recognized as a key competency in support of the development of effective programs and policies for Canadians¹². SGBA Plus provides federal officials with the means to continually improve their work and attain better results for Canadians by being more responsive to specific needs and circumstances.

¹² For more information about the GoC's Health Portfolio on Sex and Gender Based Analysis Plus Policy, please visit:

<https://www.canada.ca/en/health-canada/corporate/transparency/corporate-management-reporting/health-portfolio-sex-gender-based-analysis-policy.html>

In line with the commitment to SGBA Plus within the GoC, the Program is currently seeking funds to assess how unconscious bias is affecting program-decision-making, and to assess potential sources of unconscious bias that could be adversely affecting certain populations, and will develop recommendations to address these. The Program will then develop plans to implement recommendations - this may include updating internal assessment protocols and standards, revising industry guidance to minimize biases or inequalities, or tailoring outreach materials to better reach those who may be adversely affected by certain products.

The Program is also seeking funds to conduct an in-depth review of program activities to identify data gaps that exist. For example, to increase the availability of data, the Program is looking at ways to expand the current survey to Canadians (conducted every 2-3 years to evaluate the effectiveness of our guidance and outreach material), to include basic demographic / SGBA Plus information to better understand who the Program is reaching with its product safety messaging, including certain populations.

3. Are there any statistics on consumer protection and gender? (if yes, please share them)

As mentioned previously, incident reports received by the Program and external data shared with the Program do not consistently include sex or gender information. As well, incident reports received by the Program are expected to only be a small fraction of the incidents that occur, due to underreporting. As a result of this incomplete data, it is difficult to determine if there are different rates or types of injuries caused by a product depending on gender. One exception is the case of vaping devices, where the data we do have (which is mostly from media articles), shows a greater risk of injury to men, due to men being more likely to have the devices and batteries in their pockets than women when the products catch fire or explode. Another possible exception is in the case of cosmetics where the number of reports received by the Program is about 3-fold higher for females than males for cases where gender is reported. However, this should be interpreted with caution as there is no sex or gender reported in about 37% of reports received about cosmetics.

Further, as mentioned, every two to three years the Program conducts a survey of Canadians, which relates to Canadians' awareness and experience with product incidents; most recently, in September of 2020, an external contractor conducted an online survey of 1,000 Canadian residents, on behalf of the Program. Data were weighted to ensure a survey sample representative of the Canadian population, and a breakdown of demographic groups was made available. One main difference between those who identified as male ($n = 490$) and those who identified as female ($n = 509$), related to awareness of the Program's incident reporting. Specifically, males (42%) were more likely than females (31%) to say they are aware that Health Canada accepts reports from consumers who experience an incident (e.g., defective product, damaged property, issue with product label or instructions, an injury or a death) when using a consumer product or cosmetic.

There were no additional statistically significant differences related to gender found through the survey. Examples of other survey questions asked included: "How often do you look for information on safety issues surrounding consumer products and/or cosmetics that you buy and use?", and "In the past 12 months, have you experienced any incidents with a consumer product and/or cosmetic?". The Program plans to conduct an additional survey of consumers in 2023.

UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Working Group on Consumer Protection and Gender
Kick-off Questionnaire

SUPERINTENDENCE OF INDUSTRY AND COMMERCE (SIC) OF COLOMBIA

Deputy Superintendence for Consumer Protection

Answers

February 2023

1. What are the challenges you identify in consumer protection and gender? Can you identify the different impacts of gender on consumer relations in your country?

Within the Colombian legal system, the legal framework related to the rights of consumers is found mainly in the Consumer Statute (Law 1480 of 2011), together with its Auxiliary Laws and Decrees. However, this does not specifically provide for the concept of gender or similar, so it is understood that all the regulations contained therein apply unanimously to both men and women.

However, it is pertinent to note that there is a specific right to equality, which under the terms of article 3 of the Consumer Statute (Law 1480 of 2011), states that all consumers have the right to be treated fairly and in a non-discriminatory manner.

The foregoing is equally applicable to telecommunications services, one of the sectors monitored by this Authority, which were particularly defined as essential public services, which is why the law orders that the entire population must be guaranteed and insured, without distinction of any kind, the provision of the service in an efficient, continuous and permanent manner.

In this order of ideas, no particular attention has been paid to identifying what challenges may exist in terms of consumer protection and gender, as well as the different impacts of gender in consumer relations.

2. Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

In accordance with the previous response, and to the extent that no challenges have been identified in the matter, this Authority has not developed strategies in this regard.

However, as a show of support, and highlighting the importance of self-regulation initiatives on gender issues, in February 2020 the SIC attended the presentation and launch of the "[Guide for Adequate Gender Representation in Commercial Communication](#)"¹ of the National Association of Advertisers of

¹ Only available in Spanish

Colombia (ANDA by its acronym in Spanish), an entity that represents a community of leaders who are widely recognized within the self-regulation, referents of good practices and aligned with global trends and consumer needs. This initiative was carried out together with the Presidential Council for Women's Equality and UN Women and arises from a global context that is inspired by the " *Guide for a better representation of men and women in advertising* " of the World Federation of Advertisers (WFA) and the Unstereotype Alliance.

The main objective of the ANDA's Guide is to promote and propose good practices, principles and actions that those responsible for marketing and advertising can adopt in order to improve the way in which gender issues are addressed within their companies, especially with regard to commercial communication initiatives, so that these are framed not only in the principle of legality but also of ethics. In line with the above, the guide has five (5) commitments aimed, among other things, at avoiding sexist advertising, discrimination and stigmatisation or stereotyping on the basis of gender, sexual orientation, nationality, ethnic or racial origin, religion, age, or disability.

On the other hand, with respect to actions taken by this Authority, in 2028 the SIC, through the Directorate of Investigations for the Protection of Communications Service Users, issued an order to VIRGIN MOBILE COLOMBIA SAS to refrain from issuing and disseminating advertising campaigns that violate the fundamental rights, particularly those related to the dignity and non-discrimination of women, for the dissemination of an advertising campaign that used language and images that suggest scenes of violence, in this case of gender, bringing visual presentations that violate the rights to equality and non-discrimination based on the gender of the people mentioned there, as well as sexist stereotypes.

3. Are there statistics on consumer protection and gender? (If yes, please share them)

This Authority does not have this information.

Luxembourg

•What are the challenges you identify on consumer protection and gender? Can you identify the different impacts of gender on consumer relations in your country?

The challenges and their impact will not differ substantially in Luxembourg from any other Western country. Taking into account gender in consumer-protection policies, projects or global considerations will help contributing to a more equal society.

To this date, products, services, marketing or advertising activities are most of the times not gender-equal, therefore working to eliminate these inequalities will result in more people being able to safely and confidently participate in the global market.

•Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

Currently no special actions or policies have been developed in Luxembourg in order to tackle these challenges. Yet, they are definitely taken into account in Luxembourg's feminist foreign policy, as the attached document illustrates. The Luxembourgish Ministry of Equality between Women and Men is deeply invested in further promoting equality between men and women in Luxembourg. Closer cooperation between the Ministry for Consumer Protection and the Ministry of Equality is planned for the future, so that more attention can be paid to gender equality in consumer protection.

•Are there any statistics on consumer protection and gender? (If yes, please share them)

To this date, Luxembourg has no specific statistics on consumer protection and gender. The national statistics department STATEC certainly has data that could shed some light into this area, but no further interpretation of this information is currently being made.

The Ministry for Consumer Protection is at present conducting a feasibility study on a national consumption observatory. In case of its creation, the gender problem in consumer protection will be given special attention.

POLITIQUE ÉTRANGÈRE FÉMINISTE

DOCUMENT DE PRESSE

LUXEMBOURG, 25 MAI 2023

Pourquoi?

Une politique étrangère féministe est essentielle pour le Luxembourg, non seulement dans le but de promouvoir les intérêts des femmes et des filles, mais avant tout afin d'avancer vers un monde plus stable et plus sûr permettant la jouissance effective des droits de toutes et tous.

Les priorités

La politique étrangère féministe s'engagera activement pour l'égalité des genres, partout dans le monde, en ciblant :

1

« Rights »

La protection et promotion des droits des femmes et des filles et l'engagement en faveur de l'égalité des genres ;

2

« Representation »

La représentation et la participation égale des genres à tous les niveaux de la société ;

3

« Resources »

La mobilisation et gestion adéquate des ressources pour la mise en œuvre de la politique étrangère féministe.

La politique étrangère féministe du Luxembourg se décline sur l'approche des 3D de la diplomatie luxembourgeoise : diplomatie - développement - défense.



Le Luxembourg poursuit son engagement :

- Promotion du cadre international en la matière
- Avancement vers l'objectif de réserver 85% de l'APD en faveur de l'égalité des genres
- Mise en œuvre de son Plan d'Action National sur les femmes, la paix et la sécurité (FPS)
- Suivi du Forum Génération Égalité
- L'égalité des genres est abordée systématiquement avec tous ses partenaires, privés et publics
- Soutien de l'égalité des genres dans la politique commerciale de l'UE
- Renforcement du langage sur le genre dans les textes des résolutions dans les organisations internationales
- Limitation de tout recul en matière de droits et de langage acquis, notamment sur la santé et les droits sexuels et reproductifs
- Application aussi au sein de ses propres structures des



Le Luxembourg s'engage à :

- Soutenir **systématiquement** la protection et la promotion des droits des femmes et des filles, leur autonomisation, l'égalité des genres et la promotion de la représentation et participation égale des genres à tous les niveaux de la société
- Viser à éliminer les désavantages existants en promouvant une **représentation égalitaire** des femmes
- Appliquer une **approche intersectionnelle** pour faire progresser les droits de tous les groupes marginalisés, y inclus les personnes LGBTIQ+ ainsi que d'autres minorités
- Pérenniser son engagement pour l'égalité des genres dans le cadre de ses prochaines **candidatures** internationales
- Élaborer un **Plan d'action sur la politique étrangère féministe**
- Viser à changer les mentalités en luttant davantage contre les **stéréotypes**

La politique étrangère féministe du Luxembourg se voudra pragmatique, holistique, et orientée vers des résultats concrets.

Comment?

- Collaborer avec les **pays partageant les mêmes objectifs** au sein des enceintes multilatérales
- Aborder systématiquement le sujet du rôle et des droits des femmes et des filles dans le **dialogue bilatéral** avec des pays tiers
- Participer activement aux **campagnes de communication** notamment sur les réseaux sociaux
- **Nommer** une ambassadrice ou un ambassadeur thématique chargé à veiller à la mise en œuvre de la PEF
- Adopter un **langage inclusif**
- Inviter les ONG à signer la Charte contre le **harcèlement** moral et sexuel.
- En interne, adopter un programme de **mentorat** pour encadrer et soutenir les jeunes diplomates et évaluer les possibilités d'amélioration dans les procédures en place.



Guiding questions to the WG on consumer protection and gender - UNCTAD

1. What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

The main challenge is to have data that allow us to know the current situation regarding consumption and gender in Mexico and thereby, recognise the challenges faced by women and girls as consumers, whether online or offline.

The next challenge would be to develop a public policy with clear objectives and indicators that would make it possible to know whether the measures implemented are solving the problems faced by women in Mexico, or whether the measures need to be improved.

2. Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

According to Profeco Who's Who in Prices Program, in Mexico there is a pink tax¹ on products used by both men and women, such as razors, deodorants and others. This has revealed that there is a consumption disparity between men and women or girls in Mexico. This has a greater impact on the feminization of poverty in the country.

Profeco's Telecommunications Office also launched a Code of Ethics² for the prevention of digital violence against women . This Code describes actions and

¹ Impuesto rosa: la utilidad no tiene color. 2019. Procuraduría Federal del Consumidor. Disponible en: <https://www.gob.mx/profeco/articulos/impuesto-rosa-la-utilidad-no-tiene-color?idiom=es>

² Profeco e Inmujeres lanzan Código de Ética para la Prevención de la Violencia Digital contra las Mujeres. 2022. Procuraduría Federal del Consumidor. Disponible en: <https://www.gob.mx/profeco/prensa/profeco-e-inmujeres-lanzan-codigo-de-etica-para-la-prevencion-de-la-violencia-digital-contra-las-mujeres#:~:text=Este%20C%C3%B3digo%20describe%20acciones%20y,de%20desprestigio%2C%20cr%C3%ADticas%20y%20discriminaci%C3%B3n.>



practices that constitute digital violence, such as sharing sexual content without consent, misuse of personal data, impersonation, and identity theft.

Finally, the organization Menstruación Digna México has asked Profeco to monitor that menstrual management products are sold at a zero rate. In other words, menstruating women and menstruating people do not pay taxes for buying menstrual care products.

3. Are there any statistics on consumer protection and gender? (If yes, please share them)

The Attorney General's Office needs more specific data.

Peru

What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

In our country, the main challenge in terms of consumer protection and gender is to recognize the structural vulnerability of consumers in the market and make visible the existence of hypervulnerability assumptions in some consumers due to gender issues, where the vulnerability of being a consumer is accentuated by these circumstances and that they are worthy of differentiated and preferential protection.

This challenge must be addressed by all stakeholders; that are, the State, the business community and by the citizens themselves. In this regard, Peru has the National Council for Consumer Protection, a coordinating body within the scope of the Presidency of the Council of Ministers, which is chaired by the National Institute for the Defense of Competition and Property Protection Intellectual – Indecopi, National Consumer Protection Authority and governing body of the National Integrated Consumer Protection System. The objective of this Association is focused on inter-institutional work for the integration of the local and national regulatory framework on consumer protection, as well as for the strengthening of the activities carried out in favor of consumers.

Along these lines, at the Fifteenth Extraordinary Session of the CNPC, which took place on 08.17.2022, the NGO PROSA spoke about the problems faced by the members of this group; and, in general, consumers due to gender issues. For example, in contracting financial or insurance products and/or services; in which they cannot establish consumption relationships under the gender that identifies them, because they do not have an identification document that recognizes them as such.

From the foregoing, it is evident that in Peru we have the challenge of recognizing the existence of situations of inequality, injustice and asymmetry between consumers due to their gender.

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

Through the National Council for Consumer Protection, measures are being taken in order to address these challenges that affect citizens in general. For this reason, through this space, efforts will be made to establish public policies that eliminate gender issues that can even be considered as an assumption of hypervulnerability, and in which it is accentuated by circumstances such as those described above; and, that they are clearly deserving of a differentiated and even preferential protection by the legislator, but also by the actors involved in consumer relations (state, business and citizenship).

Are there any statistics on consumer protection and gender?

In the Directorate of the National Authority for Consumer Protection of Indecopi (hereinafter DCP), we have a document called "Report on characterization of consumer conflicts from a gender

perspective", which was framed within the activities contemplated in the Gender Equality Plan 2022, and aimed to make visible, from a gender perspective, the care and conflict resolution provided through Indecopi in matters of consumption, using as the main input the institutional information of the claims concluded from the period January 2019 to June 2019. 2022. From this information it is important to point out that, of the total number of women who had a consumption problem in Peru, 64.3% filed a claim or complaint, a higher participation compared to men, with 59.3% compared to their total.

Likewise, it is important to point out that the DCP, in coordination with the United Nations Development Program and with technical assistance from the Ministry of Women and Vulnerable Populations, prepared the Diagnosis on Gender Stereotypes in Consumption and Advertising in Peru, from which we can conclude that we have not yet achieved effective equality between men and women from consumer relations and advertising practice. This is due that the segregation between products and services for women and men is still maintained; with different features, functions and costing on average more the first ones than the second ones, reason for which we know that there is still a lot to work on.

UNCTAD - Working Group on Consumer Protection and Gender
Responses from the Directorate-General for Consumers - Portugal

- *What are the challenges you identify on consumer protection and gender? Can you identify different impacts of gender on consumer relations in your country?*

First and foremost, it should be dully noted that in Portugal, gender equality is a fundamental principle enshrined in the Constitution. As stated in Article 13(2):

"No one may be privileged, favoured, harmed, deprived of a right or exempted from a duty due to their ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation, social condition or sexual orientation."

It should also be noted that the Law 38/2018, of 7 August prohibits any discrimination based on the exercise of the right to gender identity and expression as well as the right to the protection of sexual characteristics. Besides that, we want to point out the existence of the **Citizenship and Gender Equality Commission** (hereafter CIG).

The CIG is the national body responsible for the application of public policies in this area. However, the Commission does not have the ability to impose sanctions, so, even though it can formulate recommendations to the entities involved, it must forward the complaints to the competent regulatory bodies and institutions, whom, as determined by specific legislation, can apply legal proceedings against the people and companies involved and apply sanctions in the event of actual discrimination on the grounds of sex/gender occurring.

It is also worth noting that under the framework of Law No. 14/2008 of 12 March, which "prohibits and penalizes discrimination based on sex, in the access and supply of goods and services", the CIG must also be notified by the authorities in which the matter of the infraction falls under, in cases of administrative offense to the beforementioned Law.

Therefore, whenever the CIG detects a case of advertisement, it sends the issue to the Directorate General for Consumers (hereafter DGC) which analyses and conducts research. If applicable, it initiates an administrative offence proceeding, considering its competences regarding the enforcement of advertisement which we will detail next.

All things considered, we will say that this matter is permanently monitored.

- *Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?*

In the Portuguese Code of Advertisement (Decree-Law No. 330/90, of October 23 in its current wording) and as a result for the principle of legality, there are also prohibitions applicable to genre, as follows:

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www.consumidor.gov.pt

- a) Article 7(1) prohibits "all advertisement that, due to its form, object or purpose, offends the fundamental values, principles and institutions enshrined in the Constitution".
- b) Article 7(2)(d) prohibits advertisement that "contains any discrimination based on race, language, place of origin, religion or sex".

All the above are direct outputs of the principle of equality established in article 13 of the Portuguese Constitution as well as the right to protection against "any form of discrimination" provided for in article 26(1).

It is also important to mention the measures enshrined in Article 41(1) of the Code of Advertisement, which come into force "in the event of an (...) advert which, due to its object, form or purpose, entails or may entail risks for (...) the legally protected rights or interests of its recipients. In this area of the ordinary legal system and taking into account the principle of proportionality to safeguard the interests of consumers, the DGC, within the framework of its powers of supervision and control of commercial and institutional advertising as well as the investigation and resolution of formal administrative infringement procedures, has also the power to make recommendations to economic operators in order to protect the economic interests of consumers, (Regulatory Decree No. 38/2012, of April 10).

Hence, it was within the attribution of the aforementioned powers, that the Directorate General for Consumers issued a recommendation to economic operators on the use of gender stereotypes in commercial communications on December 20th, 2019. This recommendation was addressed to representative associations and economic operators and was aimed at alerting advertisers, as well as all entities related to commercial communication, including the media outlets, about the use of gender stereotypes in commercial communications.

The Directorate General for Consumers recommended that professionals should:

- a) Promote a diverse and realistic image of the capabilities and potential of women and men in society;
- b) Contribute to the information and education of consumers, modifying behaviours, cultural norms and social representations between genders;
- c) Use inclusive images and language;
- d) Fight gender stereotypes, sexism, and misogyny in commercial messages on traditional media, Internet and social media.

Nevertheless, this Recommendation does not prevent an administrative infraction procedure in the event of serious indications of non-compliance, which can ultimately lead to the application of financial measures like pecuniary and accessory sanctions, under the terms provided in the applicable legislation.

Finally, the DGC equally carries out enforcement actions regularly, which fall under its remit regarding commercial and institutional advertisement and compliance to the non-discrimination principle.

- *Are there any statistics on consumer protection and gender? (If yes, please share them)*

Within the scope and competence of the Directorate-General for Consumers related to advertising enforcement powers, enshrined in the terms of subparagraph j) of section 2 of article 2 of Regulatory Decree No. 38/2012, of April 10, an Internet investigation procedure was initiated on the "Principle of Legality - Gender Stereotypes".

The inspection focused on the advertising content present on Internet pages and on social networks, that would contain discriminatory and gender stereotyped content. This action was carried out in the period between May 20 and 27, 2022 and its purpose was to find advertising messages with content that exposed discrimination based on sex or gender stereotypes, as stated in the mentioned Advertising Code, in particular art. 7 on the Principle of Legality, in its nos.1 and 2, as follows:

"1 - Advertising that, due to its form, object, or purpose, violates the values, principles, and fundamental institutions constitutionally enshrined is prohibited.

2 - In particular, advertising that

(...)

c) Acts against the dignity of the human person

d) Contains any type of discrimination based on race or sex;"

Hence, it was considered pertinent to verify the role and image of women in advertising, to establish comparisons in relation to the role of men, regarding equality and non-discrimination between sexes. The Advertising Enforcement Unit of the DGC therefore moved on to verify if the advertising messages and the images of the women presented a discriminatory, stereotyped, or vexatious character, and if they were representatives of certain products or services with a standardized image.

In a nutshell, there were a total of 9 verified websites/social networks and a total of 30 commercial messages analysed. In the aftermath of this action, the Directorate-General for Consumers did not detect any violation of the provisions of section d) of no. 2 of article 7 (Principle of Legality) of the aforementioned Advertising Code.

After analysing the web pages, and social networks of the selected brands and services, it was found that the different advertising content has diversified messages aimed at both genders, with a good balance between women and men, with positive and non-stereotyped images in relation to women. Likewise, there were images of women in various contexts and of different ages, but with little diversity and representation according to race.

Thus, it was considered that the contents with messages/advertising phrases and images seen, reflect a very current and positive role for women, where the representations and social roles of gender do not reflect the inequalities between men and women. We can therefore conclude that the representation of women in advertising has evolved a lot, and their presentation is increasingly moving away from the role of women-objects that were used due to their essentially physical characteristics of youth and beauty, with excessive exposure of their bodies to sell the more diverse products and services. In the cases identified, women were represented as autonomous and in decision-making roles, and it was possible to perceive that social transformations are

contributing to changes in the representations previously attributed to women (beauty, domestic care, maternal care, health, welfare).

Recently, no complaints or reports on this matter have been received.

Directorate General for Consumers, 14 February 2023

Rwanda

- *What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?*

Rwanda faces different challenges in terms of consumer protection and gender, the main being:

1. Non-disclosure of products/services specifications
2. Inefficient or non-existent complaint handling mechanisms

In gender regards, I may say that the challenges are more linked to cultural behaviour and understanding.

- *Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?*

Rwanda has put in place some regulatory frameworks to address the challenges and are currently being monitored for effective implementation. Those include the below:

1. Competition and consumer protection law
2. Financial service consumer protection law
3. Protection of payment service user regulation

- *Are there any statistics on consumer protection and gender? (If yes, please share them)*

The below are links to some reports with statistics:

1. <https://afr.rw/wp-content/uploads/2021/03/FinScope-Rwanda-2020-Gender-Report-Final.pdf>
2. https://www.bnr.rw/fileadmin/user_upload/2020_Rwanda_Finscope.pdf

Spain

¿Cuáles son los desafíos que identifica en materia de protección al consumidor y género? ¿Puede identificar diferentes impactos del género en las relaciones de consumo en su país?

El Ministerio de Consumo español ha identificado el ámbito de los juguetes infantiles como aquel en el que más marcadamente se reproducen los roles de género asociados a cada sexo.

¿Ha desarrollado estrategias para abordar esos desafíos? ¿Puede dar ejemplos de acciones y políticas?

Con la intención de concienciar sobre el riesgo de reproducir roles y estereotipos sexistas en la publicidad, el Ministerio de Consumo ha elaborado una Guía para la elección de juguetes sin estereotipos sexistas, que busca ampliar las posibilidades educativas durante la infancia. La publicación incluye pistas para aprender a distinguir cuándo un juego o juguete reproduce roles de género asociados a cada sexo. Le adjuntamos el documento y el enlace a la publicación. https://www.consumo.gob.es/sites/consumo.gob.es/files/filefield_paths/Libertad_para_jugar.pdf

Según un estudio sobre estereotipos y roles de género en la publicidad de juguetes elaborado por el Instituto de las Mujeres en 2020, casi el 40% de estos anuncios muestra a las niñas arquetipos relacionados con la belleza y los cuidados, mientras que el 50% de los dirigidos a niños se relaciona con profesiones como piloto, policía o militar.

Esto repercute directamente en la autopercepción de los menores, por lo que Consumo recomienda elegir juguetes y juegos libres de clichés de género y optar por regalos que, en lugar de limitar el desarrollo presente y futuro de niños y niñas, lo amplíen y estimulen.

La Asociación Española de Fabricantes de Juguetes y Autocontrol se comprometen a evitar sesgos y roles de género y la representación sexualizada de las niñas en su nuevo código de autorregulación

¿Existen estadísticas sobre protección al consumidor y género? (en caso afirmativo, por favor compártalos)

No

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Sweden



Swedish Consumer Agency
Consumer Ombudsman

What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

According to the Swedish Consumer Agency (SCA), statistics is key to integrate gender in consumer protection. However, the Agency has identified two main challenges related to statistics on gender: (1) To have enough data to break down all/most variables by gender. It is often hard to ensure enough data due to various reasons, for example financial capability. (2) To analyse gender differences and understand underlying reasons. It is also difficult to identify which gender differences constitute a problem from a consumer protection perspective, and hence, should be a priority for the Agency to address.

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

The Swedish Consumer Agency (SCA) has, since 2018, been assigned by the Swedish Government to integrate equality – including gender equality - in its work, and present statistics and analyses that can be broken down and analysed by gender and age. As a continuation and development of that work, the Agency was specifically tasked to adopt a strategy on how to further develop the work of the Agency 2022-2025.

According to the strategy the Agency should build capacity on;

- (1) Relevant differences in gender related to consumer protection
- (2) Identify which inequality issues the Agency could improve
- (3) Plan relevant actions to tackle the identified inequality issues.

There are several objectives which are relevant for this strategy, for example:

- The overarching Swedish gender equality goal meaning that women and men should have equal power to shape the society and their own lives.
- The Swedish consumer policy goal to achieve well-functioning consumer markets and an environmentally, socially, and economically sustainable consumption.

Are there any statistics on consumer protection and gender?

Consumer Market Survey (KMU 2012-2018)

With the help of our annual (2012-2020) Consumer Market Survey (KMU), the SCA have been able to identify markets with various forms of consumer problems. The goal of the survey was to provide ourselves and stakeholders with a knowledge base and to gain awareness of what improvements need to be made within problematic markets. 2017-2019 a new strategy was implemented as we divided consumer problems into two categories “before purchase” and “after purchase”. The markets that are assessed to have “before purchase” problems are not necessarily the same markets that are problematic “after purchase”. Complex products, extensive and difficult-to-understand contracts and sellers who have lost consumer confidence. These are the common themes for markets where it is most difficult for consumers to make successful purchases.

By analysing the KMU data by gender, we could see that there were some interesting differences between men and women. The analysis showed that *Investment products/private pension* was the market showing the greatest difference in how women and men self-assessed their ability to make successful purchases. Another finding was that the ten most problematic markets for women (self-assessed) weren't the same as the top ten most problematic markets for men. Investment products/private pension is at the top for women while it is not even among the ten most problematic markets for men. Also, the analysis showed that markets related to physical appearance and interior design, were markets where women self-assessed as more adept and well prepared while men did so on markets related to more strategic purchases such as purchasing a car and electricity services.

The Agency is currently conducting a study which focuses on identifying possible gender differences in how consumers use consumer credits. The type of marketing targeted towards consumers on social media is also included.

Thailand

Office of the Consumer Protection Board (OCPB)

- ***What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?***

- At present, the challenges of consumer protection and gender in Thailand cannot be addressed since there is no research, academic papers, or a clear indication of such cases.

- ***Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?***

- From the first answer, Thailand has no research on the mentioned issue. Therefore, there is no strategy for such issues. But with Thailand entering an aging society Therefore, there is a policy to support such cases, in which the Office of the Consumer Protection Board (OCPB) has issued an announcement of the committee on contracts on the business of providing care services for children, the elderly, the disabled, and the patients at their residences. It is a contract-regulated business B.E. 2559 (2016) for example.

- ***Are there any statistics on consumer protection and gender? (If yes, please share them)***

None

Zambia

1. What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

Generally, it is easier for a man to pursue redress and to be given a listening ear by small and medium enterprises in the absence of stipulated redress mechanisms.

The rural poor girl consumers are seldom sent to school, and if they do, are hardly allowed to complete studies. This robs them a certain level of exposure needed to defend one's own consumer rights. This leaves women consumers generally less able to fight for their consumer rights when faced with a challenge.

While it is generally known that women spend more than men; the Commission observed from the most recent statistics of cases that were sent to the Technical Committee that 67 percent of the Complainants were male. This may be representative of a knowledge gap of the consumer rights, particularly among women.

2. Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

The Commission is considering being deliberate about the sensitization materials produced such as brochures and other print media so that the print media is attractive to women as well.

More print media in local language

More chieftom sensitizations

3. Are there any statistics on consumer protection and gender? (If yes, please share them)

In the previous month; 67% of the Complainants under Consumer Protection were male while 33% were female.

Consumers International

UNCTAD Working Group, Consumer Protection and Gender - Consumers International initial contribution 13.02.23

This document is a consolidation of contributions from Consumers International's membership of consumer advocacy organisations.

1. What are the main challenges you see in consumer protection and gender? What are the impacts of gender on consumer relations in your country?

Fiji

- Lack of access to consumer protection for women and members of the LGBTQI+ community
- Lack of space for their voices to be heard and lack of women (and members of LGBTQI+ community) involved in decision-making processes at a higher level
- Gender inequality in purchase decision-making
- General barrier to obtaining identification documentation, phones and/or other resources required to access consumer protection
- Information and advertising on consumer protection is not presented in a gender-neutral way and is subject to stereotyping and patterns that do not support gender equality
- There needs to be greater awareness on the barriers to gender equality and how to overcome them
- Majority of consumers are housewives who have not received formal education so may be hesitant to engage in redressal processes
- Women in rural settings may not have the space to express concerns when there is a male leading meetings/discussion
- Women have a decisive voice when choosing goods and services for their households so would benefit from education, information campaigns and awareness-raising initiatives to make more sustainable and better-informed choices

Myanmar

- The country's gender norms pose a challenge to consumer protection and gender
- General lack of education on consumer protection but especially for women and in rural areas, exposing them to exploitation in the marketplace
- Weakness of law enforcement
- Lack of consumer-centred policies, laws, rules and regulations
- Women lack IT and digital finance literacy so are more vulnerable to being exploited
- Women suffer from lack of data privacy and harassment

Argentina

- The challenge is to demonstrate that gender perspective permeates consumer relations
- Reducing the gaps that prevent participation of women and people of non-binary or diverse identities in the same way in consumer relationships is the main challenge Argentina has looking forward
- Raising awareness that conversations surrounding gender and gender identities can be and is often different to discussions of feminism across all sectors and consumption; there is the

presence of legislation that stigmatizes people based on their gender identity and makes some people more vulnerable in the marketplace

- Single-parent families are more vulnerable
- Women and non-binary people have lower salaries than men (wage gap of 28-30%), thus consumer relationships are affected
- Gender violence and transgender violence. Education services that are closed to victims of violence

Rwanda

- Consumer protection measures do not currently address gender gaps and disparities
- There is no clear guidance nor regulations under consumer protection that considers gender

Spain

- Applying the gender approach, i.e. recognising that the consumer is not a monolithic profile and that gender is a factor of vulnerability that conditions consumption dynamics, is a challenge in itself
- Sexist publicity and marketing, especially regarding children's advertising, shapes consumption habits
 - Hyper-sexualisation of young girls
 - Beauty advertising – creating the need for clothes and cosmetics
 - The myth of romantic love – contributing to gender violence
 - Reinforcement of feminine stereotypes based on the sexual division of labour and the maternity role and domestic work – here the challenge lies in accommodating for women in the marketplace as they mostly manage family economies but also including men in this responsibility
- Feminist washing
- Vulnerability of women in the context of digital privacy e.g. the spread of sexual content without consent

Ecuador

- The incorporation of consumer rights and protection into the women's movement

Global

- Gender discriminatory pricing 'pink tax' - the profit-maximising techniques adopted by companies that restrict women into particular gendered roles
- Advertising that perpetuates harmful gender norms and limits consumer choice through manipulation
- Women often make the consumption decisions for their households and are the ones purchasing goods and services for their families. They often face discrimination and exploitation in the marketplace. To overcome this, women need to be educated on their rights as consumers and there needs to be greater integration of a gender perspective in consumer protection law and policy.
- Environmental deterioration has a greater impact on women and minority gender groups
- In food systems, women have active participation in seminal aspects such as provision of clean water, budget planning and expenditure for households in rural areas and in developing countries

2. What actions have you taken to tackle the challenges? Please provide any examples of how these have influenced policy.

Fiji

- Social Empowerment Educational Program (SEEP) and Fiji Consumer Council are assisting rural women in learning about their consumer rights
- Fiji Consumer Council has engaged with rural communities and women's clubs to raise awareness of consumer protection laws and teach women how to deal with certain situations
- Fiji Consumer Council shares information on social media platforms

Myanmar

- Myanmar Consumers Union (MCU) recommends sharing and advocating for consumer education
- MCU consumer education training and events, focusing on women's participation
- ASEAN regional network and local women's network collaborations to host women day activities
- MCU commitment to integrating gender policy into reviews of consumer protection law

Argentina

- At Accion del Consumidor (ADELCO), all projects across all sectors, e.g. food, finance, etc., are implemented in deprived neighbourhoods with a gender perspective and campaigns against gender violence are carried out
- ADELCO published a book in 2022: "Consumption and Gender Perspective", to be used as a tool in the future projects
- ADELCO is a member of the Advisory Council of the Gender Cabinet of the Ministry of Economy where they influence legislative measures and resolutions
- ADELCO is part of the committee in the Standards Bureau of Argentina that is preparing the standard 'Gender Equity Management'; a tool that will allow them to influence the entire Argentine productive framework
- ADELCO brought the issue of gender and consumer protection to UNCTAD

Rwanda

- Rwandan Consumer Rights Protection Organisation (ADECOR) were part of the drafting of the regulation and advocacy on Food Fortification where it was made mandatory between 2016 and 2020 in order to remove gaps in nutritional balance among children under 5 and breastfeeding mothers.

Spain

- The Confederation of Consumers and Users (CECU) have drafted an Equality Plan to incorporate gender perspective into their organisation through training and sensitisation. They address inequalities and measure the gender impact of their projects and services. They ensure equality in their external communication
- CECU include gender analysis, highlighting gender bias and feminist washing, especially during festive consumption periods such as Christmas and Black Friday
- CECU planning activities and working with rural women associations focused on breaking the gender gap in the access to rights and services in rural areas by training women on how they can claim their consumer rights

Ecuador

- The Ecuadorian Consumers Council (TECU) have agreements and collaborations with the Political Coordinator of Ecuadorian Women (CPME)

- There is a chapter in the CPME Political Agenda that is focused on women and consumption

3. Do you have access to or have you undertaken consumer insights (for example, consumer surveys) on gender policy at the national level? What have these revealed?

Fiji

- The Council ensures that 30% of those involved in sharing information on consumer rights at the community level are women

Myanmar

- MCU is a stakeholder implementing consumer education in the National Consumer Protection Program (2021-2025), focusing on women's participation in trainings and events

Rwanda

- Raised awareness among food processors of regulations on food fortification

Spain

- Closingap 2020 report revealed that consumption by household members was 15% higher in households headed by women than in households headed by men suggesting that women's consumption habits are more focused on the collective. The report also showed that women are more environmentally conscious.
- Between 2010 and 2020, the Women's Image Observatory revealed that they handled 140 citizen complaints about the sexualisation of minor girls in advertising, TV adverts representing girls in a sexual way or as mothers, wives etc. whereas boys being presented as pilots, policemen etc.

Ecuador

- INEC (Ecuadorian statistics bureau) have incorporated the issue of gender and consumption in national surveys

Global

- The Fair Digital Finance Accelerator's Digital Finance, The Consumer Experience, 2023, and other literature, show that women and minority gender groups face discrimination and worst conditions on access and interest rates in finance

Overall observations

- Despite commonalities of gender issues in consumer protection across countries, it is important to recognise how the dynamics of gender relations manifest in different ways across countries.
- Furthermore, the significance of rural women's experience in different marketplaces means that it is important to understand how rural/urban relations also differ across countries.
- The framing of consumer rights as human rights seeks to ensure the protection of vulnerable and disadvantaged consumers, highlighting the need to recognise gender issues in consumption since women experience vulnerability in various marketplaces.
- The gender data gap limits the effective design of products, services and marketplace protections for women. All measures of society need to disaggregate data by gender.

Academia

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What are the challenges you identify on consumer protection and Gender? Can you identify different impacts of gender on consumer relations in your country?

In Brazil, some of the challenges related to consumer protection and gender are visible regarding over-indebtedness. From the results of an empirical research that analysed over-indebted consumers who sought help in a pilot project on global conciliation between consumers in over-indebtedness and creditors in Porto Alegre, Rio Grande do Sul, Brazil, it is possible to state that over-indebted women find it more difficult to renegotiate their debts directly with their creditors, probably because they suffer prejudice, since they would be spending more than they earn out of mere whim, excessive consumerism, budget disorganization, or because of some psychic illness.

Have you developed strategies to tackle those challenges? Can you give examples of actions and policies?

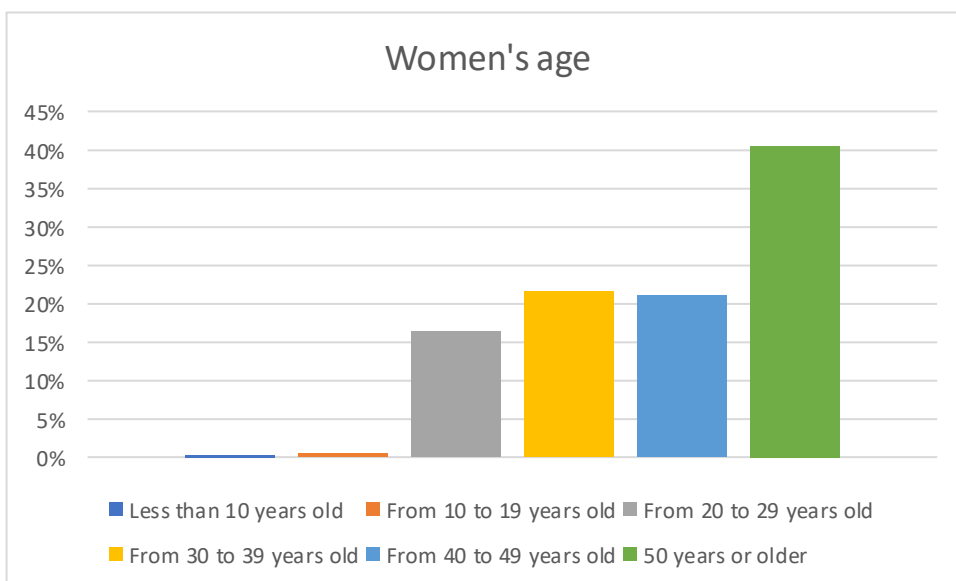
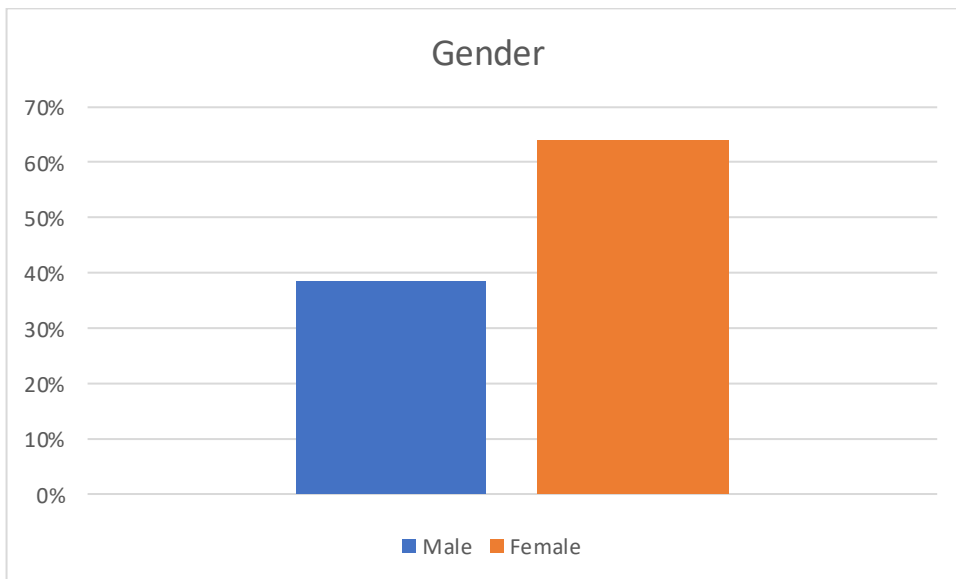
In 2021, the Law 14.181 was enacted, inserting within the Brazilian Consumer Defense Code required measures for the prevention and treatment of over-indebtedness. Although the new law does not specifically mention a special treatment for over-indebted women, the new provisions are a great advance in the protection of all Brazilian consumers. Considering that over-indebted women mostly seek the State's support to renegotiate their debts, the new law will ensure the empowerment of these women, allowing their social reinsertion while respecting their dignity.

Are there any statistics on consumer protection and gender? (If yes, please share them)

Data collected over five years by an empirical research of the pilot project on global conciliation between consumers in over-indebtedness and creditors in Porto Alegre, Rio Grande do Sul, Brazil, conducted by the Observatory of Credit and Consumer Over-indebtedness of the Federal University of Rio Grande do Sul (UFRGS) between 2007 and 2012 showed that the major victims of over-indebtedness are divorced, single, widowed and separated women, heads of households, which earn up to three minimum wages, that are forty years old or older.

Of the 6165 consumers who participated in the pilot project, 61.4% were women (3737), 70,5% single, widowed and separated, 40.6% aged 50 or over, 31.4% employed in the private sector, 24.6% retired or pensioners and 85.6% earned from 1 to 3 minimum wages (the majority up to 2 minimum wages - 67.3%).

The following charts illustrate the main results:



Contribution to the UNCTAD Gender and Consumption group.

Sergio Sebastian Barocelli *

In recent years, different currents of thought have emerged in the field of social sciences and political and social militancy, which have put the dominant paradigms in the field of gender, sexuality and their implications in crisis.¹³

The so-called feminist theories¹⁴ and queer¹⁵, have contributed with different categories and provided new analysis perspectives on political, economic, social and cultural aspects and questioning the established ideas on aspects such as the attribution of roles in the family, sexuality, reproduction, power relations, the world of work and stereotypes based on people's sex, sexual orientation and gender identity.

Make patriarchal, "heteronormative" models visible¹⁶ and binaries of our societies implies exposing the inequalities, inequities, discrimination, stereotypes and violence that exist in public and private settings to the detriment of women and LGBT+ people.

Consequently, the "gender perspective" stands as an analytical category, that is, an analysis tool or mechanism that seeks to explain the phenomenon of inequality and inequity

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BAROCELLI, Sergio Sebastián (director), *Gender and Consumer Law*, Buenos Aires, Aldina, 2019, p. 13.

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Within the concept of feminism, we can encompass different and heterogeneous currents of thought and action in the philosophical, political and social spheres that have in common the claim of women's rights and the criticism of inequalities based on sex.

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Philosophical current that studies the phenomenon of human sexuality and that recognizes its birth in the so-called Performativity Theory of the feminist author Judith Butler. To deepen on the point, see: BUTLER, Judith, *El género en disputa. Feminism and the subversion of identity*, PAIDOS IBERICA, Madrid, 2007.

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Butler, Judith, *Gender in dispute. Feminism and the subversion of identity*, PAIDOS IBERICA, Madrid, 2007.

between men and women and with respect to the so-called "dissidents"¹⁷. Gender analysis, or from a gender perspective, can be applied in all areas of life¹⁸.

Consumer relations are not exempt from these incidents.

Thinking about a Consumer Right with a gender and diversity perspective includes analyzing how gender, sexual orientation or gender identity can constitute a hypervulnerability assumption, making visible the problems of sexist advertising, analyzing the need to promote good practices on the matter, promote awareness on the matter, address the problem of Voluntary Interruption of Pregnancy Act from Consumer Law perspective and issues related to the Act of Sizes.

a) *Monitoring of sexist advertisements*

The market uses different strategies to generate, promote and establish new needs in consumers. Advertising, fashion, the construction of "brand power", aggressive marketing techniques (direct or public sales, "emotional sales", *telemarketing*, teleshopping, digital marketing, promotion through prizes, raffles or games, among others), the phenomenon of influencers¹⁹ and other marketing techniques, are some of these strategies.

Commercial practices fill the products they promote with meaning, value and life; Through them, not only the goods and services of the market will be promoted, but there will also be a more complex development from different perspectives: from a cultural and social perspective, new needs will be generated and stimulated, and on great occasions mirages, frustrations and dependency; it will also lead to inculcate new lifestyles and behaviors in people, and will correlatively incorporate a series of own values.²⁰ On the other hand, political and ideological

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CAMARGO, Juana. *Gender and Social Research*. Gender Training Course. Module 2. Women's Institute of the University of Panama/ UNICEF. First edition, Panama, 1999, Editora Sibauste, p. 29

18

Conf. STAFF WILSON, Mariblanca, "The gender perspective from the Law", http://www.legalinfo-panama.com/articulos/articulos_21a.htm [Consulted 09-03-2019]

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Influencers are influential people on social networks, celebrities, famous or not, that certain commercial brands offer products, sums of money or other advantages in exchange for promoting their products on social networks, participating in events, mentioning the brand, I enter others. To expand on this point, see: MCGRATH, Mary Ann-OTNES, Cele, "Unacquainted influencers: When strangers interact in the retail setting", *Journal of Business Research*, Volume 32, Issue 3, March 1995, p. 261-272, <https://www.sciencedirect.com/science/article/pii/014829639400051F> [Accessed 12-12-2017].

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BAROCELLI, Sergio Sebastián, *General Theory of Consumer Relations*, Buenos Aires, IJ Editores, 2021.

values will be promoted that will try to motivate and persuade consumers. As we can see, commercial practices are not innocent at all in the entire consumption process, but rather it is its most skilful spokesperson.²¹ As Forrester points out regarding advertising, it has a more political than economic function, more catechetical than promotional.²²

Advertising then plays in two different fields. On the one hand, it presents the good or service as a solution to a problem that the consumer did not know he had until then; and in turn, penetrates the most marked insecurities and deficiencies of the consumer public to which it is directed, using the ideas of success-failure, prize-punishment, winner-loser. Whether or not to reach the good or product determines which side of the line each one is on.²³

Thus, advertising is the main protagonist for attracting new consumers. When we talk about advertising, we are referring to dissemination messages of a good or service or a provider, regardless of the medium used.

Advertisements can be divided into legal or illegal. The legal ones are those that conform to the Law, without violating any norm of the legal system. Within the illegal advertising we can include, in Argentine Law, unfair advertising, misleading advertising and abusive advertising. We will refer to the latter in relation to the object of this work.

Article 1,101 inc. c) of the Civil and Commercial Code of the Argentine Nation (CCCN) considers as prohibited all advertising that "is abusive, discriminatory or induces the consumer to behave in a way that is harmful or dangerous to his health or safety." In abusive advertising, the right to dignified and equitable treatment of the consumer and the protection of health and safety, guaranteed by the Argentine Constitution in its article 42, art. 5, 6 and 8 bis of Law No. 24,240 on Consumer Defense (LDC) and art. 1,097 and 1,098 of the CCCN.

There are also various cases of abusive advertising that we can find framed in art. 72 of the Audiovisual Communication Services Law. This article establishes that those who produce, distribute, broadcast or in any way obtain benefits from the transmission of advertising will ensure

21 HELLIN, PA, Advertising and postmodern values, Madrid, Vision books, 2008, p. 161 et seq.

22 FORRESTER, Viviane, The economic horror, Fondo de Cultura Económica, Buenos Aires, 2006, p. 142.

23 ÁLVAREZ LARRONDO, Federico M. "Consumer, society and consumer law", in ÁLVAREZ LARRONDO, Federico M. (director)-RODRÍGUEZ, Gonzalo M. (coordinator), Consumer Law Manual, Erreius, Bs. As., 2017 , p. 18.

compliance with the provisions of the following regulations:(...) "e) *Law No. 26,485 on comprehensive protection to prevent, punish and eradicate violence against women in the areas in which they develop their interpersonal relationships.*"

Law No. 26,485 on comprehensive protection to prevent, punish and eradicate violence against women in the areas in which they develop their interpersonal relationships, for its part, has the normative systematization of the types and modalities of violence. Among the types of violence, symbolic violence is defined as that which "through stereotyped patterns, messages, values, icons or signs transmits and reproduces domination, inequality and discrimination in relationships

social, naturalizing the subordination of women in society" (art. 5 inc. 5). Likewise, among the modalities, that is, the ways in which the different types of violence against women are manifested in the different spheres, article 6 inc. indicates that media violence is "the publication or dissemination of stereotyped messages and images through any mass media, which directly or indirectly promotes the exploitation of women or their images, insults, defames, discriminates, dishonors, humiliates or violates the dignity of women, as well as the use of women, adolescents, and girls in pornographic messages and images, legitimizing unequal treatment or building sociocultural patterns that reproduce inequality or generate violence against women."

Said norm has as conventional reference la Convention on the elimination of all forms of discrimination against women, with constitutional hierarchy, in accordance with art. 75 inc. 22 CN, which condemns discrimination against women in all its forms (art. 1 and 2) and imposes on states the obligation to modify the sociocultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and any other practices that are based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women (art. 5).

Regarding LGBT+ people, the "Principles on the application of international human rights law in relation to sexual orientation and gender identity", called the "Yogyakarta Principles", developed within the framework of the United Nations²⁴, which establishes, among other issues,

that everyone has the right to enjoy all human rights, without discrimination based on sexual orientation or gender identity (principle 2). Law No. 26,743 on Gender Identity, for its part, recognizes the rights to gender identity according to self-perception, (art. 1 and 2), the right to free personal development of trans people (art. 11), respect for their dignity (art. 12) and not suffer discrimination based on their gender identity (art. 13); while Law No. 26,657 on Mental Health prohibits the pathologization of sexual choice or identity.

Therefore, making a proper “source dialog”²⁵ We can maintain that advertising messages that incite hatred, discrimination or segregation (for example, misogynistic, homophobic or transphobic language or content), promote violence, prejudice, stereotypes or the idea of inferiority or superiority based on gender, orientation sexual and/or gender identity²⁶ They constitute cases of abusive and therefore illegal advertising.

In this regard, in recent times, according to the The Ministry of Domestic Trade, through the National Directorate for Consumer Defense and Consumer Arbitration, monitors advertisements that may have sexist content or symbolic violence against women or LGBT+ people, within the framework of the National Action Plan against Violence for Gender Reasons, promoted by the Ministry of Women, Gender and Diversities of the Nation. Based on this, intervention has been taken in the following cases:

1) The “NuSkin” case. On May 20, 2020, the National Directorate for Consumer Defense and Consumer Arbitration charged ex officio the cosmetics and skin care machine company NuSkin

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The "dialogue of the sources", as a methodology that overcomes the nineteenth-century vision of the "conflict of laws over time" of the new Civil and Commercial Code, constitutes the appropriate tool for an interpretation and application of Law, and of Consumer Law in particular, in light of the constitutional and conventional postulates, in a scenario of plurality, fragmentation and postmodernity and in line with the perspective of human rights and protection of the vulnerable. To expand on this point, see: BAROCELLI, Sergio Sebastián, *Source Dialogue on Consumer Law. Perspectives from Argentine Law*, Saarbrücken, 2017, Editorial Académica Española.

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To deepen this point, see: BONED, Maximilaino and ORTIZ, Diego Oscar, "Women as a hypervulnerable subject in advertising", in BAROCELLI, Sergio Sebastián (director), *Consumidores hipervulnerables*, Bs. As., 2018, p. 55 et seq. The right, ORTIZ, Diego Oscar and PACEVICIUS, Ivan Vladimir "Gender violence in advertising" in BAROCELLI, Sergio Sebastián (director), *Gender and Consumer Law*, Bs.As., 2019, Aldina, p. 153 et seq.

Argentina INC Argentine Branch for an advertising piece disseminated on social networks through " influencers" and on its website for various alleged violations of the Consumer Defense Law²⁷.

Said imputation included as charges the *"alleged violation of article 8 bis of Law 24,240 regarding the duty to provide dignified and equitable treatment to consumers. In this sense, in article 5 of Law No. 26,485, symbolic violence that occurs through stereotyped patterns, messages, values, icons or signs is included as a type of violence against women, transmits and reproduces domination, inequality and discrimination in social relations, naturalizing the subordination of women in society. In this regard, it is necessary to clarify that the firm on its entire page uses female figures to reflect the success of the product or the need for it... For the above, it should be noted that the firm violates the duty of information established in the aforementioned article 4 ° of Law 24,240 since it would not have provided true information, clear and detailed regarding the products it sells by promising that through them you access a full life and a feeling of youth using stereotyped patterns of beauty for the promotion of its products that reflect an aesthetic duty, putting those who do not comply with it in a situation of disadvantage or inequality. These circumstances could also place consumers in a situation of risk to their health or physical integrity since dermatological or cosmetic treatments are offered without informing them of the contraindications, if any, or that a specialist doctor on the subject should be consulted."*

and ensures in turn that the consumption of the product helps to incorporate nutrients that are difficult to access even in the most balanced diets, thus using messages that can cause fear or anguish and suggesting that the health of a subject will be affected in the event of not using the product. product. It also declared abusive for violation of Article 37 subsections a) and b) of Law No. 24240 the jurisdiction extension clauses in the courts in the state of Utah, United States of America.

However, the firm was exempted from responsibility in order to the alleged violations of Articles 5 and 8 bis of Law No. 24,240, since from the analysis of the proceedings it was concluded that sufficient evidence did not arise from the same. to have them pro configured.

However, it was pointed out *biter dictum* that "by application of the principle of normative integration enshrined in Article 3 of Law No. 24,240, considering Article 5 of Law No. 26,485, which contemplates symbolic violence that occurs through a type of violence against women.

stereotyped patterns, messages, values, icons or signs transmit and reproduce domination, inequality and discrimination in social relations, naturalizing the subordination of women in society.”

This case undoubtedly laid the foundations to be able to penalize other cases for sexist advertising and symbolic violence against women and diversities.

2) The “Agarol” case. On June 8, 2020, the National Directorate for Consumer Defense and Consumer Arbitration charged ex officio the firm LABORATORIO ELEA PHOENIX SA with respect to the product "Agarol Püre" for alleged violations of the regulations protecting the rights of consumers in relation to the advertising message published and displayed on June 1 of this year on the site <http://agarolpur.com.ar/>, which would have been disseminated in the mass media and social networks. Making a transcription of the message contained therein, he himself refers: “I started with Agarol Pure because a friend took it and believe me, a great weight was lifted off my shoulders. You feel detoxified, with more energy. My stomach feels flatter, everyone tells me so. Now my clothes are much more comfortable and I don't have to lie down to close my jeans. Agarol Püre is an intestinal purifier that detoxifies your body, naturally eliminating waste and toxins. With Agarol Püre, now I purify myself. New Agarol Püre, feel light from the inside out”. Likewise, in the 13th second, the mention “READ THE PACKAGE LEAFLET CAREFULLY AND, WHEN IN THE LEAST DOUBT, ASK YOUR DOCTOR AND/OR PHARMACIST” appears at the bottom of the message and later on in prominent characters “No flavor. Sugar zero. Results after 24 hours. In addition to possibly misleading issues, the accusation focused on the fact that "as can be seen in the added audiovisual file, in the advertisement women are shown showing their abdomens, stating, among other statements: "My stomach feels flatter, it tells me everything the world. Now my clothes are much more comfortable and I don't have to lie down to close my jeans”. Said affirmations together with the visualized images, would constitute stereotyped patterns of the woman constituting an allegedly discriminatory message, while the model of beauty or desirable physical state to be achieved by them, consists, according to the advertisement, in having a "flat belly" promoting that To this end, you can consume the laxative that you advertise (POLYETHYLENE GLYCOL 3350). In relation to the above, Article 5 of Law No. 26,485 includes as a type of violence against women symbolic violence that occurs through stereotyped patterns, messages, values, icons or signs that transmit and reproduce domination, inequality and discrimination in social relations, naturalizing the subordination of women in society. In this regard, it is necessary to clarify that the firm throughout its page uses female figures and voices, incurring in a sort of objectification since the benefits of the medicinal product refer almost exclusively to

supposed virtues to modify the physical appearance of women ("I got a weight off me", "My stomach feels flatter, everyone tells me so"). These rules, as indicated above, must be integrated with the provisions of Law No. 24,240 as established in its article 3. In view of the foregoing, in this regard, advertising would violate the provision of article 8 bis of Law 24,240, as it requires that providers must guarantee to consumers dignified and equitable treatment conditions, in the consumer relationship,²⁸

On July 15, 2021, through Provision No. 506/2021, the National Directorate for Consumer Defense and Consumer Arbitration sanctioned a fine of \$4,000,000 to the firm LABORATORIO ELEA PHOENIX SA for violation of Articles 4, 5, 6th and 8th bis of Law No. 24240. Said fine constituted the first sanction for sexist advertising in Argentina.

It was highlighted that in the advertisement images are observed together with statements that constitute stereotyped patterns of women, with a vexatious message, focusing almost exclusively on the supposed virtues to modify the physical appearance of women as the model of beauty or physical condition. Desirable to achieve by them is, according to the advertisement, to have a "flat belly" promoting, to achieve this end, that the laxative in question can be consumed.

In its recitals it was held that *"it can be concluded that the video object of cars is aimed at women, since it only includes female figures and voices, and refers almost exclusively to the supposed aesthetic virtues of the product ("I took a weight off my shoulders", "I feel the belly flatter, everyone tells me so"), when it is of a strictly medicinal nature. That, in this sense, it is worth mentioning that Article 5 of Law No. 26,485 includes symbolic violence as a type of violence against women, that is, violence that through stereotyped patterns, messages, values, icons or signs transmit and reproduce domination, inequality and discrimination in social relations, naturalizing the subordination of women in society. That, Although the defendant argues that the fact that women are included in the ad is due to the fact that it has been proven that constipation is a condition suffered by more women than men, it is clear from the content of the advertising message that it is intended for the population from a markedly sexist division. The product participates in the construction of a hegemonic image of the women's body, which is fostered by this particular advertisement, and by the number of products offered to reach that ideal that is built through the advertising image. It must also be said that, in this case, from the analysis of the advertising piece, it can be seen that several messages are especially aimed at adolescents,*

²⁸<https://www.argentina.gob.ar/noticias/multa-por-4-millones-la-farmaceutica-elea-por-publicidad-sexista>[Consulted 10-03-2022]

women, or LGBT+ groups where stereotypes of beauty or corporalities are especially accentuated. Especially, at a time when advertising has even gone so far as to pervert the concept of health, merging it with the stereotype of feminine beauty, even when the product in question may be healthy, the authorities must act when it is marketed or disseminated in such a way that encourage an obsession with a body image that represents thinness. That when the sender of the message starts from stereotyped patterns about its receiver, it excludes all those who do not comply with that pattern. This type of practice makes invisible the diversity of bodies, ages, genders, training and cultures. At a time when advertising has even gone so far as to pervert the concept of health, fusing it with the stereotype of feminine beauty, even when the product in question may be healthy, the authorities must act when it is marketed or disseminated in such a way as to encourage obsession with a body image that represents thinness. That when the sender of the message starts from stereotyped patterns about its receiver, it excludes all those who do not comply with that pattern. This type of practice makes invisible the diversity of bodies, ages, genders, training and cultures. At a time when advertising has even gone so far as to pervert the concept of health, fusing it with the stereotype of feminine beauty, even when the product in question may be healthy, the authorities must act when it is marketed or disseminated in such a way as to encourage obsession with a body image that represents thinness. That when the sender of the message starts from stereotyped patterns about its receiver, it excludes all those who do not comply with that pattern. This type of practice makes invisible the diversity of bodies, ages, genders, training and cultures. That when the sender of the message starts from stereotyped patterns about its receiver, it excludes all those who do not comply with that pattern. This type of practice makes invisible the diversity of bodies, ages, genders, training and cultures. That when the sender of the message starts from stereotyped patterns about its receiver, it excludes all those who do not comply with that pattern. This type of practice makes invisible the diversity of bodies, ages, genders, training and cultures.

That this type of advertising for weight loss products not only reproduces beauty stereotypes where not being thin is stigmatized, but they are often misleading by not providing the necessary information on the effects of the product and promoting practices that are harmful to health. That the violation of the right to dignified and equitable treatment is accredited through the reproduction of stereotypical patterns, to the extent that women are shown "with a flat belly" as a symbol of health and/or beauty, fosters the desire for to pursue that ideal of the hegemonic and unattainable body, thus incurring in a sort of objectification, since the benefits of the medicinal product refer almost exclusively to supposed virtues to modify the physical appearance of women and adapt it to socially "desirable" aesthetic canons. which should be understood as an infringement of Article

8 bis of Law No. 24240. That, given the importance and consequences that this type of situation produces in people, discriminatory acts are penalized (Law 23,592), together with the specific laws such as the Gender Identity Law (Law 26,743), the Law for the Comprehensive Protection of Women (Law 26,485), among others, essential on the road to the eradication of violence, mistreatment and discrimination in public spheres and private. In turn, the deal the Law for the Comprehensive Protection of Women (Law 26,485), among others, essential on the road to eradicating violence, mistreatment and discrimination in public and private spheres. In turn, the deal the Law for the Comprehensive Protection of Women (Law 26,485), among others, essential on the road to eradicating violence, mistreatment and discrimination in public and private spheres. In turn, the deal

dignified to consumers must be interpreted in accordance with the previously mentioned laws, given that even today violent practices continue to be carried out against sexual and gender dissidence, as well as against those people who do not fit with the imposed canons. That advertising and the media are central to this network of violence, since they actively participate in the promotion of behaviors that can cause damage to the life and physical and mental health of the people to whom they are directed.”

In this way, the sanctioning action is articulated with other regulations that may involve consumer relationships, such as the Law for the Prevention and Control of Eating Disorders (No. 26,396) which establishes that advertisements must not use extreme thinness as a symbol of health and/or beauty, establishing and prohibiting the publication or dissemination in the media of diets or methods to lose weight that do not entail the endorsement of a doctor and/or nutritionist.

The precedent is undoubtedly of great significance, since advertising with sexist content or with symbolic violence against women and LGBT+ people is expressly recognized as a case of illegal advertising deserving of sanctions by Law No. 24,240 on the Defense of Consumer.

Unfortunately, Chamber I of the National Chamber of Appeals in Federal Administrative Litigation understood that the National Directorate for Consumer Defense was not competent to decree the annulment of the sanction and ordering the proceedings to be referred to the ANMAT²⁹, bypassing the transversal nature of the category "consumer relationship", the regulatory

²⁹ CNCAF, Room I, 6-9-2022, “Elea Phoenix SA Laboratory c/ EN. M Productive Development (Exp. 34794426/20) without direct appeal law 24,240 - ART 45”.

integration of art. 3 LDC and the consequent competence of the enforcement authorities provided for in art. 45 Ldc in punitive administrative matters.

3) The "Satial" and "Flat Belly" cases. On August 6, 2021, the National Directorate for Consumer Defense and Consumer Arbitration (DNDCYAC) ex officio charged the firms Framingham Pharma and Formulab SA, for advertising their products "Satial" and "Ventre Plano"³⁰.

Based on the analysis of traditional and non-traditional advertisements, broadcast on TV and social networks, the Application Autotidda warned of messages that contain information that could not be true and mislead, deceive or confuse consumers. In addition, through said practices associated with information related to eating habits and weight control, the firms would make recommendations that would represent a risk to the health and physical integrity of their consumers.

In the case of Satial, in a contradictory and limited way, it is mentioned that the product should be used as an additional supplement to a diet and an exercise program, and its promotional pieces abound with images of different dishes of foods with a high caloric content that are not recommended for a diet tending to lose weight. These images are accompanied by the advice of those who are presented as specialized professionals indicating that "if you incorporate Satial before and you ate 4 portions, you absorb 1". These two expressions are, in the prosecution's opinion, clearly incompatible since it is not clear if the product is effective for any type of food consumption or should accompany a healthy diet. In addition, it leads consumers to a daily practice that could be harmful to their health.

Similarly, it was noted that the Flat Belly product is advertised associating it with easy and healthy weight loss processes, with ideas and labels related to "well-being", "healthy eating", "nutrition" and "healthy living". However, the firm displays high-calorie dishes such as fries, snacks, cakes and hamburgers, among other images, next to the product's packaging. This suggests that the recommendation for consumers is that they can eat any type and quantity of meals and foods as long as they are consumed together with their product, since not only would they not generate weight gain, but on the contrary, the process weight loss would be simpler, easier and healthier. In this product it was noticed that, among the examined

³⁰ <https://www.argentina.gob.ar/noticias/imputacion-por-presunta-publicidad-enganosa-satial-y-ventre-plano>[Accessed 03-10-2022].

advertising messages, there would be an open contradiction whose result would generate concepts,

omitted to include the mandatory phrases "SUPPLEMENT INSUFFICIENT DIETS. ASK YOUR DOCTOR AND/OR PHARMACIST", and breached the security duty. In the case of Satial, the file has not yet had a definitive ruling.

b) Guide to good practices in consumer relations with a gender and diversity perspective.

By Resolution No. 1,040/2021 of the Ministry of Domestic Trade, the "Guide to Good Practices in Consumer Relations with a Gender and Diversity Perspective" was approved.³¹

This guide is an instrument of *soft law*, which promotes a methodology of compliance and voluntary adherence by suppliers of goods and services, from a human rights perspective, with strong anchorage in the Convention on the Elimination of all Forms of Discrimination against Women.

It was the result of a plural and collective construction promoted by the National Directorate for Consumer Defense and Consumer Arbitration of Argentina, who presented a preliminary version of the document to the community on June 23, 2021 and submitted it to public consultation. Contributions, suggestions and perspectives were received from vast social sectors: universities, gender and diversity groups, consumer associations, business chambers, public sector organizations and actors and actresses from the international community and sister countries. as the authorities of Brazil, Chile and Peru, as well as UNCTAD (United Nations Conference on Trade and Development. UN) and the Department of Social Inclusion of the Secretariat for Access to Rights and Equity of the Organization of American States (OAS). This collective work was deepened during the "Collective Exchange and Construction Week", with six tables where the guide and contributions were discussed. The result of this was the final text.³²

The guide proposes, through basic concepts, indicators and a glossary of terms, formulating recommendations to identify and dismantle abusive practices in terms of information, labels, health and safety protection, advertising, conditions of care and treatment and contracts,

³¹ <https://www.argentina.gob.ar/produccion/defensadelconsumidor/generos-y-diversidades/guia-de-buenas-practicas-en-las-relaciones-de>[Accessed 11-01-2022]

³² <https://www.argentina.gob.ar/produccion/defensadelconsumidor/generos-y-diversidades/guia-de-buenas-practicas-en-las-relaciones-de>[Accessed 11-01-2022]

forms and documentation; to generate healthy, sustainable, egalitarian and respectful consumer relationships of human dignity.

The guide is remarkable as an instrument that promotes the visibility of the problem of sexist advertising and with symbolic violence against women and dissidence, through a framework that appeals to awareness and social change from a non-punitive perspective.

c) Promote awareness on the matter.

The awareness, training and permanent updating of both the technical teams and the community in general is an undeniable necessity for social change in the matter.

The Argentine School of Education in Consumption that carries out the pertinent actions in this regard through campaigns and training on gender and consumer relations on its virtual campus and its social networks.

Through Resolution No. 889/2021 of the Ministry of Domestic Trade, gender training was made mandatory as a condition of permanence in the National Registry of Representatives of Consumer Associations and in the National Registry of Representatives of Business Associations, established in the Article 3 of Resolution No. 65/2018.

It should be remembered that in consumer arbitration the Arbitral Tribunal may be made up of one (unipersonal) or three (collegiate) arbitrators, depending on the amount of the claim. The collegiate tribunal for each case submitted to arbitration will be made up of an institutional arbitrator, a sectoral arbitrator representing the Consumer Associations and a third arbitrator representing the Business Chambers that are integrated from the aforementioned registries. Said arbitrators are not agents of the State, therefore they are not included in the scope of Law No. 27,499 "Micaela Law of compulsory training in gender for all persons that make up the three branches of the State."

Said continuous and mandatory training in gender has as minimum contents notions about gender perspective, gender-based violence, regulatory framework on the matter, gender in consumer relations and gender perspective in conflict resolution.

d) The problem of Voluntary Interruption of Pregnancy (IVE) from the Law of consumers.

Law No. 27,610 on Access to Voluntary Termination of Pregnancy regulates access to voluntary termination of pregnancy and postabortion care, in compliance with the commitments assumed by the Argentine State in matters of public health and women's human rights and people

with other gender identities with the capacity to gestate and in order to contribute to the reduction of preventable morbidity and mortality.

In its article 12, it establishes that obras sociales, prepaid medicine companies and other entities and health agents and organizations that provide medical care services to affiliated or beneficiary persons, regardless of their legal status, must incorporate comprehensive coverage and free of the voluntary interruption of pregnancy provided for in the aforementioned law in all the ways that the World Health Organization recommends. These benefits are included in the National Program for Quality Assurance of Medical Care and in the PMO with full coverage, along with diagnostic services, medicines and support therapies. Social works and prepaid medicine companies to be included in the Compulsory Medical Program the set of practices and benefits that it provides.

The relationship between the aforementioned entities and their affiliates³³ or users³⁴ have been recognized as consumer relations. Therefore, if there are obstacles or delays to those prescribed by said law, clear and precise information is not provided, dignified and equitable treatment is not complied with, or the referral of the consultation to the institution that can carry out the practice is not complied with. Pregnant people have the right to file a claim with the Consumer Defense authorities.

For this reason, from the National Directorate for Consumer Defense and Consumer Arbitration, and in coordination with the National Ministry of Health, a specific form was created to make this type of complaint.³⁵, and the team of lawyers from Consumidores Hipervulnerables guides, advises, provides technical assistance and accompanies the claimants in a personalized and confidential manner throughout the procedure. In this regard, statistical data on the subject can be consulted³⁶.

³³ Associated Judicial Management Court No. 2, Mendoza, 12/7/2016, "Ferrando Sileoni, Francisco Javier c. UNC Academic Support Staff Union. (SPUNC)", File. No. 257.275, <http://www2.jus.mendoza.gov.ar/listas/proveidos/vertexto.php?ide=5165053479> [Consulted 01-13-2018]; CNFed. Civ. and Com., Room III, 09/26/2005, "Desulovich Analía c. Obra Social de los Aeronavegantes y otros", RCyS 2.006-685.

³⁴ CSJN, 03/13/2001, "Etchevery, Roberto Eduardo c/ Omint Sociedad Anónima y Servicios", Judgments: 324:677.

³⁵ <https://www.argentina.gob.ar/produccion/defensadelconsumidor/hacer-un-reclamo/practicas-de-salud/ive> [Accessed 11-01-2022]

³⁶ International Amnesty. Inform the right to abortion through social works and prepaid medicine companies https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2022/09/AMNISTIA_AbortoPrepagasOSociales_26092022_2-

Likewise, the National Directorate for the Defense of Consumers, through the issuance of Provision No. 723 dated October 13, 2021, fined Accord Salud for the sum of four million pesos (\$4,000,000) for violating the duty of information, breaching the provision of the prepaid medicine service and violating the duty of dignified treatment, by not guaranteeing the urgent performance of the control transvaginal ultrasound *post abortion* timely requested by the claimant and deny a priori access to the practice of voluntary termination of pregnancy when it becomes effective and adopt an expulsive behavior of the patient, for not respecting her personal convictions, for subjecting her to studies that were not necessary and for forcing her to listen to the heartbeat of the fetus despite her request to the contrary.³⁷

e) *Size Act*.

Act No. 27,521, enacted on November 20, 2019, and promulgated on December 18, 2019, known as the “Size Act”, establishes the creation of the Single Standardized Clothing Size Identification System (SUNITI).

It primarily seeks to standardize the sizes of clothing according to the measurements of Argentine bodies, for which an anthropometric study is ordered.

Regarding its purpose and scope, it provides for the establishment of a single system to identify the sizes of clothing called, by its acronym, SUNITI, that all clothing intended for the population from 12 years of age must be manufactured, made and marketed in accordance with this system and, in order to avoid possible confusion, it is clarified that the law does not regulate any aspect related to the supply and variety of clothing sizes.

Within its central axes, we can highlight that of standardizing the designation of the size that must be carried by all the clothing that is marketed in the national territory -whether national or imported clothing and manufacturing- in order to provide a certain, clear identification, detailed and unequivocal with a view to protecting the rights of consumers, carrying out an Anthropometric Study so that the aforementioned standardization is based on standardized body measurements

[1.pdf?utm_source=Wpp&utm_medium=Prensa&utm_campaign=Genero&utm_term=COMS&utm_content=Periodistas](#)[Accessed 11-01-2022]

³⁷ International Amnesty. Inform the right to abortion through social works and prepaid medicine companies https://amnistia.org.ar/wp-content/uploads/delightful-downloads/2022/09/AMNISTIA_AbortoPrepagasOSociales_26092022_2-1.pdf?utm_source=Wpp&utm_medium=Prensa&utm_campaign=Genero&utm_term=COMS&utm_content=Periodistas[Accessed 11-01-2022]

of the Argentine population (the standards currently used are based on European body measurements) and promote through educational and dissemination campaigns a good quality of care and dignified and equitable treatment for consumers, penalizing possible abusive practices by suppliers.

Among its main provisions, the Single Standardized System for the Identification of Clothing Sizes is established, which is mandatory in the Argentine Republic for all those who are dedicated to its preparation, manufacture, commercialization or import. Said System will be based on the results of the body measurements that the anthropometric study shows.

Anthropometric studies are expected to be carried out every ten years in order to update the information on population measurements throughout the national territory. It is clarified that, although the Law establishes that the first study must be completed within the first year of its approval, budget shortfalls and the impossibility of moving around the country due to the pandemic will see the publication of its results postponed and, therefore, the definitive implementation of the System. It is ordered that the information that arises from the labeling of garments and commercial signage must be provided in a clear, accurate, detailed, easy to understand and visible manner, indicating the correspondence between the size and the standardized body measurement.

Likewise, the duty of marketers to provide good service conditions and dignified and equitable treatment is guaranteed, penalizing any type of shameful, vexatious or intimidating conduct. This and other breaches of the law will be subject to the sanctions provided for in the Consumer Defense Act and Discrimination Act. The control, surveillance and judgment of compliance with this will be exercised indistinctly by the national application authority and the local authorities.

Lastly, educational training, information and awareness activities and mass dissemination campaigns in the media are planned in order to fully comply with the provisions of the law in a coordinated manner by the Enforcement Authority with the National Institute against Discrimination, Xenophobia and Racism and with the National Ministry of Health.

During the year 2020, the National Directorate for Consumer Defense and Consumer Arbitration promoted the draft regulatory decree that, after going through the corresponding hierarchical administrative instances, concluded with the signing by the President of the Nation of Decree No. 375/ 2021. This text was reached after a large number of meetings with the actors

involved in the issue (civil society organizations, business chambers, public authorities, agencies, representatives of the academy, among others).

The aforementioned decree designates the Secretary of Domestic Trade as the enforcement authority of this law. It is made known that the SCI is the Enforcement Authority of the Consumer Defense Act and the regulatory integration with Act 24,240 is expressly provided for in the text of Act 27,521.

The scope of the term clothing is determined in order to establish which garments must comply with the SUNITI and which will be excluded. It is made known that the list of excluded garments is exhaustive and may be expanded by the SCI in a well-founded manner. It is highlighted that, given that most of the provincial laws related to the subject refer to clothing for the male or female sex, the current view in favor of diversity forces us to rethink the terminology, understanding that an overcoming vision must make reference to clothing "... whatever the gender it is intended for...".

The regulation expressly encourages, throughout its articles, the application of the law to the commercialization of clothing by electronic means in order to avoid questions in view of the fact that it refers to "establishments". The rise of electronic commerce, a circumstance enhanced during the pandemic, and due to the forcefulness of the statistical reports carried out by the National Directorate for Consumer Defense and Consumer Arbitration, it becomes necessary not to give rise to speculation as to whether the implementation of the SUNITI applies both in the commercialization in face-to-face modality as well as distance or virtual modality.

The objective of the anthropometric study is established, that the INTI will be the body in charge of carrying it out, the regulations on the basis of which it is carried out, the time in which it must be completed and published, and the periodicity of the successive ones. studies.

On the other hand, considering that several provinces have their own "size law", it orders them to readjust their local regulations in those aspects that are inconsistent with national law.

The duty of information of marketers is also regulated regarding the way in which the table of measurements must be made known to consumers in order to fully exercise their rights.

In addition, the claim channels for consumers are established in the event of having been the victim of any practice contrary to what is regulated by law.

It also entrusts the Argentine School of Education for Consumption with training, information and awareness activities to disseminate and raise awareness against stigmatization

due to size issues and other issues related to the law, in coordination with INADI and the Ministry of Health, as well as as with the Technical Advisory Council.

It is established that the Ministry of Internal Commerce will be the supervising entity and will have the sanctioning power, being able to initiate its actions ex officio or from the claims that individuals enter through the aforementioned claim channels, resulting in the application of the administrative procedure of the Act 24,240, having to refer the proceedings to a judge with jurisdiction in criminal matters in the event that the investigation reveals the eventual commission of a crime, as well as notifying that circumstance to INADI.

At the same time, ee provides for the drafting of a Manual by the Argentine School of Consumer Education in collaboration with INADI, the National Ministry of Health and the Technical Advisory Council for the purpose of being disseminated among marketers and sellers of clothing in order to avoid discriminatory and abusive practices.

On the other hand, the creation of a Technical Advisory Council is contemplated, made up of the different sectors -public and private- interested in the implementation of the law in order to provide non-binding and ad honorem collaboration in response to the requirements made by the Secretariat of Domestic Trade linked to the implementation and dissemination of SUNITI. For this reason, in order to establish said Council, the National Directorate itself proposed the draft Resolution that establishes the way in which the background information and applications for those who want to integrate it will be presented. To this end, SCI Resolution No. 878/2021 was issued.

Although it is not exclusively a question of one gender, from reading the data from the surveys carried out by the Any Body organization, promoter of the law, the main ones affected by the issues related to sizes are women and LGBT+ people³⁸.

³⁸ <https://anybodyargentina.org/encuestas/>