DRAFT

CONSUMER PROTECTION POLICY

GOVERNMENT OF GHANA

MINISTRY OF TRADE AND INDUSTRY
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBREVIATIONS</td>
<td>3</td>
</tr>
<tr>
<td>BACKGROUND</td>
<td>3</td>
</tr>
<tr>
<td>CHAPTER ONE</td>
<td>6</td>
</tr>
<tr>
<td>BACKGROUND INFORMATION</td>
<td>6</td>
</tr>
<tr>
<td>STRATEGIC VISION</td>
<td>6</td>
</tr>
<tr>
<td>POLICY GOALS</td>
<td>7</td>
</tr>
<tr>
<td>POLICY OBJECTIVES</td>
<td>7</td>
</tr>
<tr>
<td>DEFINITION OF TERMS</td>
<td>8</td>
</tr>
<tr>
<td>PRINCIPLES ON WHICH THE POLICY IS BASED</td>
<td>11</td>
</tr>
<tr>
<td>UN GUIDELINES ON CONSUMER PROTECTION</td>
<td>12</td>
</tr>
<tr>
<td>CHAPTER TWO</td>
<td>13</td>
</tr>
<tr>
<td>THE ROLE OF EXISTING LEGAL REGIMES AND INSTITUTIONS IN GHANA</td>
<td>13</td>
</tr>
<tr>
<td>CHAPTER THREE</td>
<td>23</td>
</tr>
<tr>
<td>THEMATIC AREAS OF CONSUMER PROTECTION POLICY</td>
<td>22</td>
</tr>
<tr>
<td>CHAPTER FOUR</td>
<td>48</td>
</tr>
<tr>
<td>Introduction</td>
<td>48</td>
</tr>
<tr>
<td>Guidelines for key Actions and Remedies</td>
<td>48</td>
</tr>
<tr>
<td>IMPLEMENTATION ARRANGEMENTS</td>
<td>49</td>
</tr>
<tr>
<td>IMPLEMENTATION GUIDELINES</td>
<td>49</td>
</tr>
<tr>
<td>IMPLEMENTATION AND MONITORING OF THE POLICY</td>
<td>50</td>
</tr>
</tbody>
</table>
ABBREVIATIONS

ISO- International Organization for Standardization
ITU- International Telecommunication Union
IEC- International Elect technical Commission
CAC-Codex Alimentarius Commission
IPPC-International Plant Protection Convention
NCCE-National Commission for Civic Education
FDB- Food and Drugs Board
PURC-Public Utilities Regulatory Commission
GSA- Ghana Standards Authorities
GPRS- Growth and Poverty Reduction Strategy
GS- Ghana Standards
NEPAD- New Partnership for Africa’s Development
UN- United Nations
ICT- Information and Communications Technology
MOTI- Ministry of Trade and Industry
WTO- World Trade Organization
NCA- National Communication Authority
NCCE- National Commission of Civic Education
NGO- Non Governmental Organization
CPA- Consumer Protection Authority
LI- Legislative Instruments
ADR- Alternative Dispute Resolution
GM- Green Marketing
NAA- National Advertising Authority
TBT- Technical Barriers to Trade
SPS- Sanitary and Phyto-Sanitary
OIE- World Organization for Animal Health
NCPA- National Consumer Protection Authority
Introduction

Ghana has witnessed considerable economic stability and growth in recent years on account of the successful implementation of prudent fiscal management policies within the framework of the GPRS I (2003-2006), GPRS II (2006-2009) and GSGDA (2010-2013), the Private Sector Development Strategy (Phase 1), the Trade Policy and an ongoing new development frame work, Ghana’s Skills Development Fund (GSDF) and several other development programmes and projects. The GPRS focused on accelerated growth and poverty reduction, emphasizing economic growth and social equity through private sector-led development, human resource development, and the pursuit of good governance.

In recognition of the rapid evolution in the marketplace coupled with the reality that consumers are increasingly becoming exposed to all forms of danger on account of undesirable business practices and the proliferation of sub-standard goods and services in the country, the Government acknowledges its duty to protect consumers from these unfair practices which adversely affect their health, safety and economic interests.

Consequently, the development of a consumer protection policy was made an integral component of the Ghana Trade Policy. The goal of the consumer protection policy is to set a framework for establishing a legal, institutional, and social infrastructure that enhances the welfare, health, safety and economic interest of consumers and also empowers them to assert their rights in the marketplace.

The current consumer protection regime consists of legislative and regulatory provisions scattered in several pieces of legislation. A brief examination of the regime taking into account the policy, legal and institutional framework leads to the general conclusion that it is inadequate. This inadequacy is attributable to several factors, the most significant of which is the absence of a comprehensive policy and law on consumer protection.

Another general feature of the current regime is the absence of a structured and functional National Quality Infrastructure (Standardization, Accreditation, Conformity Assessment and Metrology). Currently, the legal and regulatory framework for Conformity Assessment leads to poor oversights, overlaps and duplication of services (Inspection, Testing and Certification), which confuses and over-burden consumers.

Also, the lack of clear guidelines for the formulation and enforcement of Technical Regulations (Technical Regulatory Framework) creates environments that do not effectively protect the health and safety of consumers.
The current legal and institutional arrangement for protecting consumers exhibits four distinctive shortcomings, namely:

• Gaps in the legislative and regulatory framework.
• Lack of adequate and effective legal regime and ineffective existing laws.
• Lack of effective and relevant institutions specially tailored to protect consumers.
• Lack of easy and cost effective redress mechanisms.

In the current environment, there is the general perception among consumers that justice is out of reach for them when they have grievances.

In view of the deficiencies and fragmented nature of the current consumer protection regime, there is an urgent need to design and establish a more effective, cohesive, and effective consumer protection regime in Ghana.
CHAPTER ONE
Background Information

Since the establishment of the World Trade Organization (WTO) in January 1995, there has been an upsurge in world trade in merchandise and services among member states arising from the trade liberalization negotiated during the Uruguay Round of Multilateral Trade Negotiations.

Trade liberalization, fueled by globalization, e-commerce and new developments in information and communication technology (ICT), standardization and relentless advertisement have led to integration of trade, investments, capital markets and consumer markets which have created a culture of mass production and consumption worldwide.

In the wake of the twin processes of liberalization and globalization, the Ghanaian market has been opened to greater competition and influx of goods and services, exposing consumers to health and safety hazards as well as trade malpractices. There is a danger that the advantages arising from the improved availability of goods and services may be accompanied by health and safety hazards and substandard goods for which they have no mechanism to competently deal with.

The integration of the global consumer markets has led to imbalances in the interaction between businesses and consumers in terms of the latter’s bargaining power. In Ghana, this imbalance is characterized by unfair trading and business practices, deceitful and misleading advertising and lack of accurate product information. Also, substantial trading is taking place in potentially hazardous goods such as banned drugs, counterfeit drugs, used computers, television sets, refrigerators and used car batteries. Ghanaian consumers are therefore exposed to these unsafe, sub-standard and improperly labeled goods especially pre-packed foods, ready-to-eat foods as well as service delivery.

This phenomenon has received public outcry in recent times and the Ministry is inundated with complaints in this regard.

Strategic Vision

As indicated in the Ghana Trade Policy, the government’s vision for consumer protection is to:

- Create an environment that affords protection to consumers.
- Enhance consumer welfare.
- Promote fair trade by promoting business performance while at the same time providing protection to consumers.
The vision is based upon the principles enshrined in the Directive Principles of State Policy in the 1992 Constitution, UN Guidelines for Consumer Protection among others. It also recognizes the central role of consumers in the development and efficient functioning of a market economy.

**Policy Goals**

The aim of consumer protection is to empower, protect and enhance welfare of consumers. Within that context, Ghana’s consumer protection policy seeks to achieve the following seven principal goals:

- Establish a fair, transparent and efficient marketplace in line with Ghana’s Trade Policy.
- Provide a consistent, predictable and effective framework that fosters consumer confidence and capacity, in particular among vulnerable consumers.
- Provide access to redress for all sections of the consuming public.
- Empower Ghanaian consumers to assert their rights in the marketplace.
- Promote customer responsiveness in both public and private sectors of the economy.
- Harmonize and streamline the regulatory and institutional environment.
- Align and harmonize national consumer protection policy with international best practices.

**Policy Objectives**

The policy objectives are as follows:

- To increase consumer confidence in the marketplace.
- To strengthen consumer position in the marketplace.
- To ensure that consumer concerns and needs especially those of women, children and physically disadvantaged are adequately catered for.
- To establish a public agency that will be responsible for the effective implementation of the Consumer Protection Policy.

**Underlying Principles of the Policy**

The underlying principles of the Policy include the following:

- Recognition of the basic rights of consumers as human rights issues.
- Establishment of a legal framework that promotes competition while at the same time prohibiting restrictive business practices and anti-competitive conduct.
• Empowerment of consumers through regular education, provision of information and representation of consumers in matters that affect them.
• Encourage the development of consumer voice through advocacy.
• Ensuring consumers’ speedy access to justice and redress.
• Ensuring that all consumers such as the poor, illiterate, rural and urban enjoy the same level of protection.
• Ensuring that informal sector operators abide by the rules.
• Providing adequate and equitable levels of protection to the physically handicapped and the vulnerable.
• Ensuring sustainable consumption and green marketing.

Definition of Terms

‘Commercial activity’ means an activity for gain or reward relating to the production and supply of goods, supply of services or technology and export or import of goods.

‘Consumer’ means a person:

(a) To whom goods are or sought to be supplied whether by sale or otherwise in the course of any commercial activity carried out by the person supplying or seeking to supply them; or
(b) For whom services are or are sought to be supplied in the course of a commercial activity carried out by the person supplying or seeking to supply them; or
(c) Who hires or avails himself or herself of any technology, goods or services for a consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment and included any beneficiary of such technology, goods or services other than the person who hires or avails himself or herself of same when such technology, good or service is availed of with the approval or acquiescence of the hirer.

“Good” includes-

(a) Anything marketed for human consumption;
(b) Any tangible object not otherwise contemplated in paragraph (a), including any medium on which anything is or may be written or encoded;
(c) Any literature, music, photograph, motion picture, game, information, data, software, code or intangible product;
(d) A legal interest in land or any other immovable property, other than an interest that falls within the definition of ‘service’ in this section; and gas, water and electricity.
“Service” in this policy includes; service of any description which is made available to potential users and includes the provision of facilities in connection with; Banking and Finance, Transport, Communication (e.g. Internet), E-Commerce, Technology, Energy, Medical Services, Legal services, Postal services, Processing, Supply of electricity, Supply of Water and other Public Utilities, Boarding and Lodging, Housing Construction, Insurance, Life Assurance and Reassurance, Entertainment and Amusement, Beauty and Care Industries, Purveying of news and other information, Petrol Filing Stations, Sanitation, contract for professional services among others.

It includes the sale of goods, where the goods are sold in conjunction with the rendering of a service and does not include the rendering of any services free of charge or under a contract of personal service, provided that social and other services provided by the State shall not be regarded as free services.

Service does not include services under a contract of employment but includes services undertaken and performed for gain or reward in respect of any matter (whether professional or otherwise) other than supply of goods.

‘Manufacturer’ means a person that carries out the business of assembling, producing, or processing goods, and includes:—

(a) Any person that holds itself out to the public as the manufacturer of the goods.

(b) Any person that attaches its brand or mark or causes or permits its brand or mark to be attached, to the goods.

(c) Where goods are manufactured outside Ghana the foreign manufacturer of the goods does not have an ordinary place of business in Ghana, a person that imports or distributes those goods.

‘Supplier’—(a) means a person who, in trade,—(i) supplies goods to a consumer by—
(A) transferring the ownership or the possession of the goods under a contract of sale, exchange, lease, hire, or hire purchase to which that person is a party; or
(B) Transferring the ownership of the goods as the result of a gift from that person; or (C) transferring the ownership or possession of the goods as directed by an insurer; or (ii) supplies services to an individual consumer or a group of consumers (whether or not the consumer is a party, or the consumers are parties to a contract with the person); and
(b) includes: —
(i) Where the rights of the supplier have been transferred by assignment or by operation of law, the person for the time being entitled to those rights:
(ii) a creditor within the meaning of the Credit Contracts and Consumer Finance as defined by law, has lent money on the security of goods supplied to a consumer, if the whole or part of the price of the goods is to be paid out of the proceeds of the loan and if the loan was arranged by a person who, in trade, supplied the goods:

(iii) a person who, in trade, assigns or procures the assignment of goods to a creditor within the meaning of the Credit Contracts and Consumer Finance as defined by law to enable the creditor to supply those goods, or goods of that kind, to the consumer:

(iv) a person who, in trade, is acting as an agent for another, whether or not that other is supplying in trade; and

(c) for the avoidance of doubt in the following circumstances, means only,—

(i) in the case of a supply of electricity as a good, the retailer of the electricity with whom the consumer has a contract; and

(ii) in the case of a supply of electricity line function services, the distributor who owns or operates the line that is connected to the consumer’s premises; and

(iii) in the case of other services relating to electricity, the person who provides that service to the consumer.

‘Supply’, —

(a) in relation to goods and technology means supply (or resupply) by way of gift, sale, exchange, lease, hire, or hire purchase; and

(b) in relation to services, means provide, grant, or confer.

‘Trade’ means any trade, business, industry, profession, occupation, activity of commerce, or undertaking relating to the supply or acquisition of goods, services or technology.

(a) Goods shall be treated as supplied at the time when the consumer acquires the right to possess the goods:

(b) Services shall be treated as supplied at the time when they are provided, granted, or conferred.

‘Disadvantage’ includes socially deprived people, the blind, the deaf and dump, physically and mentally challenged people among others.

‘Vulnerable’ means; the blind, the deaf and dump, the sick, poor, physically and mentally disabled the illiterate community among others.

‘Market’, — Market in this policy means, a public gathering held for buying and selling of merchandise.
‘Credit’, — The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment or a Credit is the trust which allows one party to provide resources to another party where that second party does not reimburse the first party immediately.

‘Charge Back’, — Charge back in this policy means, the return of funds to a consumer, forcibly initiated by the consumer’s issuing bank.

‘Professional body’
A group of people in a learned occupation, or a body of persons engaged in the same profession, who are entrusted with maintaining control and ensuring standards of the legitimate practice of the professional practitioner.

Special Provision

The Ministries, Departments and Agencies shall regard and treat those they render services to as consumers and must be treated as such to safeguard the constitutionally guaranteed human rights of all citizens.

Principles on Which this Policy Is Based

In view of the deficiencies and fragmented nature of the current consumer protection regime, there is an urgent need to design and establish a more effective, cohesive, and consumer efficient protection regime based upon the following principles:

- Recognition of the basic rights of consumers as human rights issues.
- Establishment of a legal framework that promotes competition while at the same time prohibiting restrictive business practices and anti-competitive conduct.
- Empowerment of consumers through regular education, provision of information and representation of consumers in matters that affect them.
- Development of the consumer voice.
- Ensuring speedy access to justice and redress for consumers.
- A regulatory body and the related organizations must be established and adequately resourced.

Support must be provided for consumer activism and empowerment of consumers through education and awareness creation.

The satisfaction of the basic needs of consumers in all sectors of the economy, particularly in terms of providing truthful and accurate product information to the poor and vulnerable.
UN Guidelines on Consumer Protection

To create a fair marketplace that works for consumers in terms of their economic interests, welfare, safety and health, it is the duty of Government to protect consumers from unfair practices, given that Ghana is a party to the United Nations Guidelines for consumer protection which was adopted in 1985 and expanded in 1999.

The guidelines remain the international reference document for government action by member states to protect consumers. In addition, the principles enshrined in the Directive Principles of State Policy of the 1992 Constitution, the Millennium Development Goals, New Partnership for Africa’s Development (NEPAD), and the fact that the rights of consumers are indeed also human rights, provide the underlying principles for a comprehensive framework for the protection of consumers in Ghana.

Furthermore, developed countries abound in examples where active consumer protection regimes operate and special laws that specifically protect the interests and safety of consumers exist. In countries like United Kingdom and Germany which are members of the European Union, domestic laws on consumer protection emanate from EU directives. The United States has a variety of federal or state laws that regulate consumer affairs while Taiwan uses special national laws to protect the interest and safety of end-users. In developing countries like Nigeria there exists a Consumer Protection Council with a mandate to seek redress for and protect consumers in all sectors of the economy. In South Africa, the Consumer Protection Act provides for the promotion and advancement of the social and economic welfare of consumers in the country.
CHAPTER TWO

Existing Legal Regimes and Institutions on Consumer Protection

Introduction

The current regime of consumer protection consists of provisions scattered in various pieces of legislation and regulations such as the Sale of Goods Act of 1962, Food and Drugs Board Law of 1992, General Labeling Rules of 1992, Public Utility Regulatory Commission Act of 1997, National Communications Authority Act of 1996 and the Standards Decree of 1973 among others. However, these legal provisions are neither underpinned by a comprehensive national policy on consumer protection nor dedicated public agencies established and charged with the responsibility of ensuring the protection of Ghanaian consumers, especially in the area of consumer redress, education and empowerment. In the circumstances Ghanaian consumers do not enjoy adequate protection under the current legal and institutional framework.

It is against this backdrop that the Government through the Ministry of Trade & Industry has initiated the process to develop a comprehensive Consumer Protection Policy.

The role of existing legal regimes and institutions in Ghana

Existing legislation and institutions that have an impact on the policy are here highlighted within the context of Government’s desire to use a multi-sectorial, multifaceted and right-based approach to consumer protection.

Acknowledgement of the existing laws that protect the Consumer:

1. **LAWS REGULATING GOODS**

   - Hire Purchase Act, 1974 (NRCD 292)
   - Standards Authority Act, 1973 (NRCD 175)
   - Foods and Drugs Law, 1992 (PNDC LAW 305B)
   - Weights and Measures Act, 1975 (NRCD 326)
   - Ghana Standard Board (Food, Drugs and Other Goods)
   - General Labeling Rule, 1992 (LI 1541)
2. LAWS REGULATING SERVICES

A. LAWS REGULATING BANKING AND FINANCIAL SERVICES
   • Banking Act, 2004 (Act 673)
   • Long term saving scheme Act, 2004 (Act 678)
   • Financial Institutions (Non-Banking) Law, 1993 (PNDC L328)
   • Insurance Law, 1989 (PNDC L227)
   • Securities Industry Law, 1993 (PNDC L333)
   • Bank of Ghana Act, 2002 (Act 612)
   • Venture Capital Trust Fund Act, 2004 (Act 680)
   • Electronic Banking Act

B. LAWS REGULATING TRANSACTIONS IN IMMOVABLE PROPERTY
   • Mortgages Decree, 1972 (NRDC 96)
   • Conveyancing Decree, 1973 (NRCD 175)
   • Home Mortgage Finance Law, 1993 (PNDC L329)
   • Rent Control Law, 1986 (PNDC 138)

C. LAWS REGULATING PUBLIC UTILITIES
   • Public Utilities Regulatory Commission Act, 1997 (Act 538)
   • Water Resources Commission Act, 1996 (Act 522)
   • Energy Commission Act, 1997 (Act 541)
   • National Communications Authority Act, 1996 (Act 524)

D. LAWS REGULATING HEALTH DELIVERY AND SERVICES
   • Traditional Medicine Practice Act, 2000 (Act 575)
   • Ghana Health Services and Teaching Hospitals Act, 1996 (Act 525)
   • National Health Insurance Act, 2003 (Act 650)
   • Pharmacy Act, 1994 (Act 489)
   • Medical and Dental Decree, 1972 (NRCD 91)
   • Private Hospitals and Maternity Homes Act, 1958 (No. 9 of 1958)

E. LAWS REGULATING HOSPITALITY SERVICE
   • Accommodation and Catering Enterprises Regulations, 1979 (LI 1205)

F. LAWS REGULATING PROFESSIONAL SERVICES
   • Chattered Accountants Act, 1963 (Act 170)
   • Professional Bodies Registration (Restoration) Decree, 1979 (AFRCD 27)
   • Legal Profession Act, 1960 (Act 32)
3. OTHER RELATED LAWS

- Electronic Transactions Act, 2008
- Information Technology Agency Act 2008 (Ac 771)

Ghana Standards Authority and Consumer Protection

The Ghana Standards Authority was established with the object of ensuring high quality of goods, whether for local consumption or for export, to promote standardization in industry and commerce; to promote industrial efficiency and development; to promote standards in public and industrial welfare, health and safety.

Subject to the provisions of the law establishing the authority, the authority shall perform such functions and exercise such powers as to promote research in relation to specification: and to provide for the examination and testing of goods, commodities, processes and practices.

Recommend to the Ministry of Trade and Industry to prohibit the sale or manufacture of goods in the national interest as well as in the interest of public health and safety.

Furthermore, to recommend to the Ministry of Trade and Industry to prohibit the importation into Ghana for the purposes of sale, use or human consumption, goods unless the goods are certified by the authority as complying with standards set up by the Authority.

The Authority may from time to time make, alter and rescind rules not consistent with the laws governing treatment, processing, manufacture of goods, packaging, labeling, advertising and selling of goods; as well as the size, dimension and other specifications of packaging of goods and prescribing standard of composition, purity or other property of good.

Food and Drugs Authority and Consumer Protection

The law which is essentially consumer protection oriented, covers foods and drugs.

Part I cover prohibition against sale of unwholesome, poisonous or adulterated food; food offered as prizes etc. Deception of consumers; standards of foods; prohibition against sale of food not of nature, substance or quality demanded; manufacture of food under supervision; sale etc of food under insanitary conditions; food unfit for human consumption; penalty and defense under this part and closure of premises where there is risk of contaminated food.
Part II also covers prohibited sale of drugs, cosmetics, devices and chemical substances, standards for drugs, etc. Disposal of chemical substances in certain manner prohibited; Deception of consumers; Prohibited advertisement; Control of manufacture of drugs; Restriction of importation, manufacture of drugs, etc; Registration of drugs; etc; Quality certificate on imported drugs; License for registering drugs, Renewal of registration and licenses; Drugs not to be distributed as samples; Clinical trials and tests; Registration of herbal and homeopathic drugs; Registers and Penalties.

Part IV deals with general provisions and covers areas dealing with inspection of animals by authorized officers; powers of authorized officers; Forfeiture and disposal of seized articles, etc.

In 1996 the Food and Drugs Law 1992 was amended and called Food and Drugs (Amendment) Act, 1996, to provide for the fortification of salt to alleviate nutritional deficiencies, to bring the provisions of the Law in conformity with the Constitution and to provide for connected purposes.

One of the new sections on Deception of Consumer says that a person who manufactures, labels, packages, sells, or advertises any food in a manner that is false, misleading or deceptive as regards its character; nature, value, additives, substance, quality, composition, merit or safety commits an offence. This law also makes it mandatory to only sell, distribute, store, deliver, export salt only if it is fortified with potassium iodide. It also defined salt officially as food.

**National Communication Authority and Consumer Protection**

The National Communications Authority was established by an Act of Parliament to regulate communication by wire, cable, radio, television, satellite and similar means of technology for the orderly development and operation of efficient communications services in Ghana and to provide for related purposes.

The role of the Authority includes the following:

To ensure that there are provided throughout Ghana as far as practicable such communications services as are reasonably necessary to satisfy demand for the services;

To ensure that communications system operators achieve the highest level of efficiency in the provision of communications services and are responsive to customer and community need;

To promote fair competition among persons engaged in the provision of communications services;

To protect operators and consumers from unfair conduct of other operators with regard to quality of communications services and payment of tariffs in respect of the services;
To protect the interest of consumers;

To facilitate the availability of quality equipment to consumers and operators

**Public Utilities and Regulatory Commission (PURC) and Consumer Protection**

The object of the PURC Act stems from the need for a mechanism for the supervision of public utility services in order to determine their efficacy and adequacy. It is essentially consumer protection oriented although the interests of the public utilities are also to be protected by the commission. Factors that must be taken into account in providing the guidelines such as cost of production of the service to the utility are set out.

As it stands, the Act is limited to electricity and water but provision is made for the Commission, on the recommendation of the relevant Minister with portfolio for any public utility service, to prescribe by legislative instrument the inclusion of other services under the operation of the Act.

Under section 3 of the PURC Act, the functions of the Commission are as follows:

- To provide guidelines on rates chargeable for provision of utility services.
- To examine and approve rates chargeable for provision of utility services.
- To protect the interest of consumers and providers of utility services.
- To monitor standards of performance for provision of services.
- To initiate and conduct investigation into standards of quality of service provided to consumers.
- To promote fair competition among public utilities providers.
- Conduct studies relating to economy and efficiency of public utilities.
- To make such valuation of property of public utilities as it considers necessary for the purposes of the Commission.
- To collect and compile such data on public utilities as it considers necessary for the performance of its functions.
- To advice any person or authority in respect of any public utilities.

**National Commission for Civic Education and Consumer Protection**

The National Commission for Civic Education (NCCE) was established in accordance with article 321 of the Constitution and was mandated among others to educate and encourage the public to defend the Constitution at all times, against all forms of abuse and violation.
Functions of the Commission include the following:

- To formulate for the consideration of the Government, programmes at the national, regional and district level to realize the objectives of the Constitution.

- To formulate, implement and oversee programmes intended to inculcate in citizens an awareness of their civic responsibilities and an appreciation of the rights and obligations of citizens as a free people.

- To assess for the information of the Government, the limit to the achievement of true democracy caused by the inequalities between different levels of the population and to make recommendations to address these inequalities.

Electronic Transactions Act, 2008

The Electronic Transactions Act is to provide for and facilitate electronic communications and related transactions in the public interest and to:

- Remove and prevent barriers to electronic communications and transactions.
- Promote legal certainty and confidence in electronic communications and transactions.
- Promote e-government services and electronic communications and transactions with public and private bodies, institutions and citizens.
- Develop a safe, secure and effective environment for the consumer, business and the government to conduct and use electronic transactions.
- Promote the development of electronic transaction services responsive to the needs of consumers.
- Ensure that, in relation to the provision of electronic transactions services, the special needs of vulnerable groups and communities and persons with disabilities are duly taken into account.
- Ensure compliance with accepted international technical standards in the provision and development of electronic communications and transactions.
- Ensure efficient use and management of the country domain name space.
- Ensure that the interest and image of the republic are not compromised through the use of electronic communications.

Policy Statement on the existing legal regimes and institutions

Government acknowledges that an effective consumer protection regime must be multifaceted and multi-disciplinary in nature. To this end, it is important to highlight the importance of the existing
legal and regulatory regime and the institutional framework discussed above. In many respects, these need revamping to make them more effective in protecting the interests of consumers and as a result these key actions need to be taken:

Key action: 1

Government will review and reform the existing laws, regulations as well as the institutions that deal with consumers and consumer interest like the Food and Drugs Board, Public Utilities and Regulatory Commission (PURC), the Ghana Standard Authorities, the National Communication Authority among others to make sure that they are given the necessary support for effective delivery.

Key action: 2

Government also acknowledges that the fight for the right of consumers is global and multi-sectorial. For this reason, the Government of Ghana will collaborate with international community for effective realization of its goal to protect consumers.

Key action: 3

Government will promote and encourage the existing institutions working in the interest of the consumer to develop and utilize to their advantage popular social network for effective and direct interaction with the population where possible.

Key action: 4

Government will establish effective communication channels between the consumers, the legal and administrative structures established by encouraging the creation of “Hotlines” and “Emergency Lines” for quick information and quick response.

Key action: 5

Government will ensure that the Consumer Protection Authority will have representation from the above mentioned institutions to collaborate and strategize for effective solution to consumer problems.
Challenges

Considering that Ghana’s economy is characterized by large informal and rural sectors on the one hand and poor illiterate consumers on the other, the major challenges for providing adequate protection to consumers include:

- Ensuring that poor rural and illiterate consumers and urban consumers enjoy the same level of protection.
- Ensuring that informal sector operators abide by the rules.
- Providing adequate and equitable levels of protection to the physically handicapped and the vulnerable.
- Empowering a large population of relatively modest and undemanding consumers.
- It is also envisaged that technological and infrastructural challenges will be encountered especially in the rural and poor communities.
- Protection of children from dangerous information on the internet.

The Vision and Objectives of this Policy

The vision of this policy is to create a free, fair and responsible environment for consumers and suppliers and encourage and advance rights-based approach to consumer protection in Ghana by building a world class consumer protection environment for Ghanaians by implementing the following:

1. Passing a Consumer Protection law.
2. Establishing a Consumer Protection Authority.
3. Establishing mechanisms and Instruments for delivering speedy redress.
5. Setting clear and sufficient rules on labeling, price marking, and a code of practice on advertising.
7. Promoting consumer awareness and representation on relevant national bodies.
8. Ensuring that goods, services and technology are available to the people of Ghana at the right price, quantity, quality and standards.
9. Reducing imbalances in economic terms, educational levels and bargaining power.
10. Ensuring that consumers have the right to consume only safe products.
11. Providing guidelines to different branches of Government, departments and agencies who may take decisions which may have an impact on consumers and consumer interest to be guided by this policy.
12. Promoting an increased competitiveness in the domestic market based on fair and equal competition in the domestic trade regimes which will compel producers to produce only the best to capture the market of consumers.

13. Encouraging the formation of non-governmental consumer organizations to educate consumers in asserting their rights and economic interests, and in making informed choices in the market place.

14. Targeting consumers as individuals and as part of society and therefore dealing with a broad spectrum of consumption in life. However, some key areas will be identified and special attention paid to them based on the needs and priorities of the people.

15. Developing and implementing mechanisms that would support organizations, and groups raising awareness and educating the general public thereby changing public attitudes towards consumption.

16. The Consumer Protection Authority in collaboration with the various Commissions, MDAs and NGOs to harness all efforts for effective implementation of the Policy.
CHAPTER THREE

THEMATIC AREAS OF THE CONSUMER PROTECTION POLICY

Introduction

As a result of inadequate, uncoordinated and ineffective nature of the current Consumer Protection Regime, the Government of Ghana through the Ministry of Trade and Industry deems it necessary to develop a comprehensive Consumer Protection Policy to address the inefficiencies in the current regime.

The objectives of this Policy will be achieved through a broad range of policy instruments under the following thematic areas:

Thematic Areas of Consumer Protection Policy

- Physical safety of goods and distribution facilities.
- Promotion and protection of consumers’ economic interests through fair trading practices.
- Quality standards for the safety and health of consumers and consumer goods and services.
- Consumer redress and representation measures.
- Advertising of products and services.
- Education and information-Consumer Education and Information.
- Consumer choice.
- Promotion of sustainable consumption and sustainable environment
- Product information and Labeling
- Addressing special needs of vulnerable and disadvantaged consumers
- Identified special subject matter areas:
  - Food
  - Water
  - Pharmaceuticals
  - Standard Form Contracts
  - Consumer Credit Contracts
  - International Cooperation
  - Electronic Commerce
  - Imported and resold technology and commodities
PHYSICAL SAFETY

Introduction

A product is physically safe if it is unlikely to become defective. A product is defective if its safety is not such as consumers generally are entitled to by right. The lack of safety implies a risk of injury to an individual or damage to property which is greater than what a person might reasonably expect. The Consumer must be protected from consuming unsafe goods. To ensure the physical safety of goods through the production and distribution channels, it is imperative that the marketing and distribution channels are adequate, safe and secure.

Policy Context

Trading and distribution of goods take place in Ghana mainly in open markets, kiosks, small shops, stores, supermarkets and malls operated by formal and informal business enterprises. This is accompanied by hawking and itinerant trading in marketplaces, streets and transport stations among others.

Market facilities are usually poor, decrepit, rudimentary, and unprofessionally managed. Consequently most marketplaces are congested; lack appropriate and adequate storage and sanitary facilities, as well as modern social amenities. Most traders are also unaware of consumer rights or customer care issues and tend to treat consumers unfairly and sometimes disrespectfully.

In some cases the mode and methods of production are equally unsafe due to improper supervision and inadequate implementation of existing laws on quality standards and work place safety.

Policy objectives

To promote the development of production and distribution systems that reflects consumer needs and preferences.
To develop an efficient trading system that provides consumers with a wide range of safe products and services at competitive prices.

Policy Prescriptions

Government will promote the adoption of appropriate production and distribution and safety measures, including:

- Safety regulations, mandatory standards and voluntary standards.
• Enforcing the maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

• Improve road and other transportation networks to enhance quick distribution and delivery to avoid contamination in transit.

• Providing existing institutions with information and educational materials to educate those responsible for bringing goods to the market.

• Educate consumers in the proper use of goods and inform consumers of the risks associated with intended or normally foreseeable use.

• Ensure that safety information is conveyed to consumers in a language they understand including Braille and/or internationally understood symbols and signs wherever necessary.

• Ensure that the vulnerable and the disadvantaged are provided with special information as appropriate.

• Ensure that there is legislative backing for Braille and on-the-spot explanation or information.

• Introduce or strengthen mechanisms for the immediate confiscation and destruction of improperly labeled, hazardous and dangerous products.

• Promote the development of a modern business and trading environment with market facilities that take into account health, welfare and safety of both sellers and consumers.

• Encourage the development of a nationwide network of foodstuff warehousing, storage, and wholesaling facilities.

• Introduce rules and guidelines for the safe and hygienic handling, movement, transportation, and storage of raw foodstuff, meat and other perishable agricultural products from farm to market.

• Strengthen the regulatory and enforcement regime for protecting the economic rights of Ghanaian consumers in the market.

• Formulate rules and guidelines specifically for integrating informal sector operators into the formal trading system.
• Revise the Weights and Measures Act of 1975 and ensure that the public is educated on its provisions while strengthening the enforcement mechanisms.

• Government will regulate the hawking of prepared food, perishable goods and drugs, in open markets, in transport vehicles and other unapproved places by authorized persons.

**Promotion and Protection of Consumers’ Economic interests through Fair Trading Practices**

**Introduction**

“**Unfair trade practice**” means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or deceptive practice including the making of false declaration, presentation, statements and labeling, among others.

**Policy Context**

Fair trading and competition are important for ensuring that consumers are able to choose freely in the market, freedom of choice being the essence of consumer sovereignty. Consequently, anti-competitive conduct and unfair trading practices, which undermine the consumer’s right to choose, serve to curtail the sovereignty of consumers. Consumer protection law and policy must therefore promote consumer choice by regulating the behavior of firms in the market.

**Policy objectives**

To promote fair and efficient trading systems and practices that respect the rights and responsibilities of consumers, sellers as well as buyers.

To develop comprehensive and effective rules and standards for regulating the interaction among sellers, buyers and consumers.

**Policy Prescriptions**

Government will establish and enforce rules and regulations that promote fair trading and competition among market participants, as prescribed under the National Trade Policy.

Government will encourage and support production, supply, and distribution of goods and services in order to enforce trading standards, codes of practice and conduct.
Government will enforce rules and regulations on weights and measures and also enact legislation on bar-coding, price-marking on goods, and display of prices on all goods offered for sale.

Government will establish Units for Consumer Protection as well as shops and Market Surveillance in the Ministry of Trade and Industry.

Government will establish rules and guidelines to regulate personal credit, micro-credit businesses as well as other financial transactions with a view to ensuring that consumers of financial services are fully informed and aware of the conditions of the facilities offered.

Government will establish a Consumer Protection Authority to help monitor and enforce the laws against unfair practices so that consumers get value for their money.

Challenge

Trade secrets could be revealed on demand by Judges and must be produced after a court order. This is because sometimes dangerous substances are hidden in products under the guise of trade secrets.

Competition and Promotion

Government is aware of the tremendous contribution that competition and promotion make towards consumer protection and has therefore decided to formulate a comprehensive policy on competition.

Quality Standards for Safety and Health of Consumers and Consumer Goods and Services

Introduction

A Standard can be considered as a model or an example that has been established by some form of authority, custom, or general consent. The characteristics or performance of standards convey information, or provide a means of communication.

Standards can also be used for coding the technical characteristics expected by customers/consumers.

Standards can also be a limit, or rule approved and monitored for compliance by an authorized agency or a professional or recognized body as a minimum acceptable benchmark.
Policy Context

An effective standards regime is important for the protection of consumers. In line with the World Trade Organization (WTO) Agreements on TBT and SPS, Ghana Standards (GS) are based on international standards, codes and guidelines issued by ISO, Codex Alimentarius, and IPPC etc. These standards ensure that products and services offered for trade meet national health, safety, technical and environmental requirements which ensure the protection of consumers.

Overlapping institutional mandates, institutional rivalry, and weak capacity and inadequate resources have however served to weaken enforcement of the legal mandates of institutions charged for the purpose. The Ghanaian market is therefore full of sub-standard and poor quality goods which are dangerous to the health and safety of Consumers.

Policy Objectives

To protect the health and safety of consumers through the strict enforcement of national product and service quality standards.

To promote international cooperation and enforcement of protocols between countries especially in the ECOWAS sub-region, in the area of movement of goods in order to prevent the cross-border movement of counterfeit, fake, prohibited and hazardous products.

Policy Prescriptions

Government will ensure the formulation and development of voluntary and mandatory standards to ensure safety and quality of goods and services and give them appropriate publicity.

National standards and regulations for product safety and quality will be reviewed from time to time, in order to ensure that they conform to international standards.

Government will take appropriate measures to prevent the flooding of the Ghanaian market with counterfeit, fake and sub-standard products.

Government will ensure that goods, services and technology will undergo conformity assessment and accreditation among others.

Government will establish a common centre of excellence with ISO Certification for laboratory testing.
Government will intensify pre/post-market controls to rid markets of unregistered, expired, banned, improperly labeled and hazardous products among others.

Government will streamline the existing regulatory and institutional framework to remove functional gaps, overlaps, duplications and ambiguities in responsibility for monitoring and enforcement regimes of laws.

Government will strengthen the standards setting and enforcement bodies to ensure adherence to technical regulations and quality guidelines.

Government will formulate laws that will ensure quality standards in transport services for the safety of the consumer.

Government will review, strengthen and ensure the effective implementation of the existing Electricity Use Regulations; LI 1935, LI 1937, LI 1934.

Government will ensure that professional bodies are formed and existing ones strengthened to enable them deliver quality service to consumers.

**Consumer Redress and Representation Measures**

**Introduction**

Consumer redress and representation measures are cardinal to consumer protection. The right to redress is a fundamental right of consumers. Therefore a comprehensive legal framework for consumer protection that addresses issues of consumer rights and responsibilities and also spells out transparent unambiguous rules, processes, and procedures for redress need to be established. The legal framework for consumer protection should take into consideration the difficulties, deficiencies and challenges of the current regime to ensure effective redress for consumer complaints at all socio-economic levels.

**Policy Context**

The establishment of a legal and administrative framework that enable consumers to obtain redress through formal and informal processes which are uncomplicated, transparent, inexpensive, speedy, fair, and easily accessible to all, taking into account their resources. This is important for making consumer protection a reality in Ghana. The main issues to be addressed under this theme include:
• Lack of clearly-defined redress and compensation mechanisms and processes
• Non-availability of legally-binding guaranty and warranty schemes
• Lack of awareness of consumers about where and how to seek redress
• Lack of standard procedures for establishing claims
• To make timely redress easily accessible to all categories of consumers.

Policy Prescriptions

Government will establish and maintain legal and administrative structures to enable consumers and relevant organizations to obtain redress through formal or informal procedures that are expeditious, fair, inexpensive and accessible. These procedures will take particular account of the needs of low-income consumers, physically disadvantaged, and the large illiterate community.

Government will establish a Consumer Protection Authority with enough powers to adjudicate. The Authority will receive complaints from the general public and will have the powers equal to the High Court. It will have Regional and District offices so as to be closer to the consumers for quick redress.

Government will encourage all enterprises to resolve consumer disputes in a fair, expeditious, formal and informal manner, and to establish voluntary mechanisms, including advisory services and informal complaints procedures, which can provide assistance to consumers.

Information on available redress and other dispute-resolution procedures will be made available to consumers in appropriate language and symbols to cover the physically disadvantaged people and illiterates.

Government will strengthen the existing institutions (FDA, PURC, GSA, etc) and create sub-offices at strategic locations in the country.

Government will establish district arbitration bodies and small claims courts.

Government will encourage the use of Alternative Dispute Resolution (ADR) mechanisms to enhance speedy delivery of justice.

Government will promote voluntary redress and compensation mechanisms by the business community.
Government will support and promote private sector initiatives to improve customer care and responsiveness.

Government will harmonize, simplify, and strengthen compensation mechanisms of regulatory bodies.

Government will encourage the private sector to establish mandatory guaranty and warranty rules and schemes.

Government will institute measures to improve the responsiveness and quality of service delivery by the public sector to clients as part of public sector reforms.

Government will support service providers to formulate charters on complaints handling including Citizens’ Charters that clearly articulate the rights and responsibilities of all parties.

Advertising of Products and Services

Introduction

Advertising is the medium through which consumers become aware of the existence of goods and services. It is important that these means are not abused to the disadvantage of the consumers.

Policy Context

In their quest to highlight the benefits or superiority of their particular product over competing products, the Ghanaian advertising scene depicts the following:

- The exaggeration of the potential and the benefits of products.
- False claims which tend to mislead consumers.
- Lack of high sense of social and moral responsibility.
- Lack of decency, and appreciation of cultural values.
- Misuse of children in advertising.

Policy Objectives
To regulate and supervise the advertising industry with a view to ensuring truthful, ethical, and culturally acceptable standards. To ensure strict compliance with established national advertising standards particularly for outdoor advertising and advertisements in the electronic media.

**Policy Prescriptions**

Government will carry out a review of existing legislations and enact appropriate laws to regulate advertising practices in Ghana.

Government will develop appropriate systems and mechanisms for enforcing advertising standards and codes of practice in collaboration with all relevant institutions.

Government will institute appropriate measures to discourage misuse of children in advertising.

**Education and Information**

**Introduction**

Education and information dissemination to the population are essential for the effective implementation and the realization of objectives of Government policies and programmes. It is therefore necessary that consumers are well educated and properly informed on consumer protection issues.

**Policy Context**

Currently, there are large numbers of people who are illiterates and cannot make informed choices. Also, the majority of the population does not see consumer protection issues as human rights issues and therefore cannot access these rights adequately. This problem is largely due to lack of education and information.

It is therefore necessary for the Government to embark on the development of general and specific consumer education and information programmes which are necessary for a sustainable and effective behavioral change for consumers. This is because it will enable people to act as discriminating consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities.
**Policy Objective**

To establish educational framework that will guarantee consumers access to information on consumer protection issues through formal and informal education and programmes.

**Policy Prescriptions**

1. Government will promote the development of educational programmes and information dissemination on consumer protection through agencies such as NCCE.
2. Government will ensure that consumer education will become an integral part of the curriculum of the educational system. The curriculum will cover areas such as:
   a) Health, nutrition, prevention of food-borne diseases and food adulteration.
   b) Product hazards.
   c) Product labeling
   d) Relevant legislation on how to obtain redress and representation.
   e) Information on relevant agencies and organizations responsible for consumer protection.
   f) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities.
   g) Environmental protection.
   h) Efficient and sustainable use of resources such as minerals, energy and water.

3. Government will encourage schools, consumer organizations, the media and other interested groups to undertake educational and information dissemination programmes on the environmental impacts of consumption patterns.
4. Government will ensure the creation of informal structures for consumer education and information dissemination.
5. Government will ensure that the NCCE will inform and educate the general public on existing laws on consumer protection in the country for example the PURC Laws, the National Communication Authority Laws, Rent Laws, Banking Laws, Insurance Laws, Laws on Health Care, Immovable Property Laws and laws on Goods, Services and Technology.
Consumer Choice

Introduction

The idea that freedom of choice is central to leading a good life is not a new one. Therefore, the right of the consumer to choose freely from a wide variety of products and services at competitive prices with the assurance of satisfactory quality is crucial to every consumer protection policy.

Policy Context

Currently in Ghana, most producers as well as service providers are operating under free market conditions. This means that consumers are left at the mercy of the market forces in terms of determining pricing, production, quality and quantity issues, etc. These conditions leave the consumer with little or no choice but to consume what the market forces solely determine. Information dissemination and regulation are crucial for consumer behavior when it comes to choice.

Policy Objective

To encourage the development of market conditions which provide consumers with greater choice at competitive prices.

Policy Prescriptions

Government will formulate a competition policy which will encourage market condition that will give greater choice at competitive prices.

Government will encourage the review of existing laws that do not empower consumers with better consumer choice.

Government will create new regulations aimed at better environment for better consumer choice.

Government will encourage the NCCE to intensify general education and information dissemination on the concept of choice and its role in market operations.
Government will promote and encourage consumption that is environmentally sustainable.

**Promotion of Sustainable Consumption and Sustainable Environment (Green Marketing)**

**Introduction**

Sustainable Consumption is defined as “meeting the needs of the present without compromising the ability of future generations to meet their needs”. Sustainable consumption is to ensure the judicious use of resources for the benefit of both the current and future population.

Green Marketing can be described broadly as a marketing strategy that aims at manufacturing ecologically safe products, including recyclable and bio-degradable packaging as well as processes that will ensure energy efficient and environmentally friendly operations.

**Policy Context**

In Ghana today, a number of activities are harmful to the environment as a result of production and consumption patterns. There is therefore the need to regulate these harmful activities especially in the following areas: destruction of the forest, farming activities, production & disposal of waste, spillage of oil & gas, E-waste, among others.

**Policy Objectives**

Establish a legal framework to ensure that the objectives of intergenerational equity are achieved for the protection of resources for sustainable consumption.

To create awareness on the dangers of unsustainable consumption.

To encourage Green Marketing Practices

**Policy Prescriptions**

Government will promote the development and implementation of laws for sustainable consumption.

Government in partnership with business and relevant civil society organizations will develop and implement strategies that promote sustainable consumption in the following areas:
• Land use, transport, energy and housing; information dissemination programmes to raise awareness of the impact of consumption patterns;
• Removal of subsidies that promote unsustainable patterns of consumption and production;
• Promote sector-specific environmental-management best practices and adoption of modern technology.
• Encourage the design, development and use of products and services that are safe and energy and resource efficient.
• Promote the recycle of wastes and purchase of recycled products.
• Introduce measures to ensure the safe management of environmentally harmful substances.
• Create awareness on the health-related benefits of sustainable consumption and production patterns.
• Cooperate with business and other relevant groups to develop indicators, methodologies and databases for measuring progress towards sustainable consumption at all levels.

Government will create a desk office within the Consumer Protection Authority to specifically address and coordinate activities on sustainable consumption and Green Marketing.

**Product Information and Labeling**

**Introduction**

In addition to meeting national and international standards, the safety of consumers depend, to a large extent, on the proper use and the disposal of products. Instructions on the safe use and handling of products are, therefore, vital for consumer safety.

**Policy Context**

Currently, a lot of products on the Ghanaian market are either not labeled or poorly labeled or where available not easily readable, misleading, deceptive or in foreign languages that are not comprehensible to the ordinary consumer coupled with poor implementation and enforcement of existing laws on labeling.

From the foregoing, there is an urgent need to review, implement and enforce the labeling laws.

**Policy Objectives**

To ensure that goods are properly labeled, the content detailed on the product in the appropriate language and possible dangers indicated.
To ensure that the consumer is provided with accurate and truthful product information by updating and strengthening the enforcement of the labeling law.

**Policy Prescriptions**

Government will strengthen and enforce legislations that prevent the sale of unsafe and poor quality goods on the market.

Government will review and strengthen the enforcement of the Labeling Law of 1992 (LI 1541).

Government will establish mandatory national standards and clear guidelines for the labeling of genetically modified foods, food products and other products.

Government will establish transparent and clearly defined rules and procedures for recall, withdrawal, destruction and form notifying the public about hazardous products.

Government will intensify the enforcement of regulations pertaining to the prevention of counterfeit, fake and imitated drugs, food products and beverages on the market.

Government will establish enforceable rules to regulate the handling of perishable goods and drugs in transit and at point of sale in the markets.

**Addressing Special Needs of Vulnerable and Disadvantaged Consumers**

**Introduction**

This deals with the protection of poor and vulnerable consumers who may be disadvantaged due to their peculiar circumstances. It may include some men, women, children, physically and mentally challenged, the aged and other socially disadvantaged consumers. It brings to the fore the need to give special attention to the needs of these groups in the new consumer protection regime to be evolved under this policy.

**Policy Context**

Several issues arise in connection with the consumption needs of the vulnerable groups. The pertinent issue of product safety for children, women, and the physically challenged must be given special attention by manufacturers, suppliers, and retailers. Such products may include toys, food and medications and other products and services made specifically for them.
All consumers, especially vulnerable ones, require complete, accurate, unambiguous and easily understandable information regarding the terms and conditions of sale of goods and services they procure, to enable them make informed choices and derive optimal benefit.

**Policy Objective**

To promote fair, dignified and respectful treatment for needy women, men, children, as well as physically and mentally challenged and under-privileged persons.

**Policy Prescriptions**

Government will promote policies and practices that affirm the rights and dignity of the vulnerable.

Government will institute policies and establish clear-cut rules on children’s advertisements to ensure that consumers especially children are not misled by false or inaccurate information.

Government will ensure effective representation of vulnerable and the disadvantaged persons on all policy structures and processes that affect them as consumers.

Government will ensure effective implementation and monitoring of the legislation on the promotion of breastfeeding.

Government will establish clear-cut rules to ensure that the design and construction of public facilities take into consideration the needs of the aged, disabled and physically challenged.

Government will ensure collaboration and coordination of relevant Ministries, Departments and Agencies responsible for the promotion of the rights of vulnerable sections of the population.

Government will ensure that products especially the dangerous ones have brailed inscriptions on them to protect the blind.

**Measures relating to specific and basic needs**

**Introduction**

In advancing consumer interest and in fulfillment of the human rights provisions under the constitution which mandates the Government of Ghana to ensure that every Ghanaian lives a dignified life, Government will, give priority attention to areas of concern such as food, water and pharmaceuticals which are essential for the health of the consumer.
Special attention will also be paid to the following: standard form contracts, consumer credit contracts, imported and resold technologies & commodities, electronic commerce and international cooperation.

Food

Policy Context

Human rights standards require that the rights of citizens to food is secured by providing sufficient access to food production, resources, income and support to feed and sustain themselves in a dignified manner as well as ensure that food safety standards are maintained.

In Ghana today, the following problems are very common:

- Lack of food security in terms of its availability, affordability, accessibility and sustainability.
- Preparation, exposure and sale of processed food near unhygienic places e.g. open gutters, dumping grounds, toilet facilities, among others.
- Preparation, exposure and sale of processed food in polluted environment e.g. dusty areas, fumes, road sides, factories that emit toxic substances, among others.
- Preparation, exposure and sale of raw food stuffs in polluted and unhygienic places or conditions e.g. display of food stuffs on the ground for sale, distribution of fish and meat under inappropriate conditions.

Policy Objectives

To ensure adequate availability, supply and access to food;

To establish a comprehensive food control systems and to reduce the risk of food borne diseases;

To ensure that all food, whether produced locally or obtained through trade or food aid, is safe and consistent with Ghana food safety standards;

To ensure that food quality and safety standards take into consideration international standards, in particular, standards established by Codex Alimentarius and OIE.

Policy Prescriptions
Policies will be adopted and maintained for product quality control, adequate and secure distribution facilities, standardized international labeling and information, as well as education and research programmes in these areas.

Government will put in place adequate measures to ensure food security.

Government will support and promote the adoption of scientifically based food safety standards that comply with maximum permitted levels for pathogens, contaminants from agricultural and industrial processes, residues from veterinary drugs and growth promoters and naturally occurring toxins.

Government will also collaborate with all stakeholders, including consumer organizations and the private sector, when establishing food safety systems.

_Government will take into account the needs of all consumers for food security and accessibility and take into consideration standards from the Food and Agriculture Organization of the United Nations, the World Health Organization, Codex Alimentarius, OIE and other generally accepted international food standards._

Government will maintain, develop and improve food safety measures, including, safety criteria, food standards and dietary requirements and ensure proper implementation and effective monitoring and evaluation.

Government will promote sustainable agricultural policies and practices, conservation of biodiversity, and protection of soil and water, taking into account traditional knowledge, as well as buffer stock management and warehouse receipt system.

The Food and Drugs Authority will be strengthened to effectively perform its regulatory functions with regard to food quality and safety and liaise with the Consumer Protection Authority to protect Ghanaian consumers and advance rights-based approach to consumer safety.

Government will review existing legal regimes to ensure the formulation of appropriate legal framework to take care of consumers by taking into consideration the following:

- responsibility of feed manufacturers,
- farmers and food operators,
- traceability of food and feed ingredients,
- proper risk analysis (risk assessment, risk management, risk communication)
- Good agronomical practices
Water

Policy Context

Water is a basic commodity which is necessary for the very survival of human beings. It is, therefore, crucial for Government to ensure that citizens have access to sustainable potable and wholesome water.

In Ghana today, a lot of people do not have access to sustainable wholesome water as a result of:

- Pollution of water bodies through mining activities, deforestation, industrial activities and migratory activities of nomads among others.
- Irregular and poor treatment of water.
- Contamination of water through the distribution processes for example, vending, packaging, storage etc.

Policy Objectives

To protect consumers from using unwholesome water.
To make water easily accessible to consumers in the right conditions.

Policy Prescriptions

Government will ensure effective implementation of the Water Policy of Ghana which has been formulated by the Ministry of Water Resources, Works and Housing.

Government will ensure that water bodies and sources are protected from various human activities.

Government will promote the development and implementation of educational and information dissemination programmes which will include community participation on the sustainable use of water.

Government will review, strengthen and ensure the effective implementation of the existing Water Use Regulations, 2001 (L.I. 1692).
**Pharmaceuticals**

**Policy Context**

Ghana, as a lower middle income country, faces numerous challenges including dumping of unwholesome pharmaceuticals on the Ghanaian market. There is evidence of fake products, with doubtful origins and unclear language on the Ghanaian market. It is for this reason among others that the Government needs to act quickly to safeguard the interest of the general public.

**Policy Objective**

To protect consumers from consuming fake and unwholesome drugs thereby safeguarding them from its dangerous and deadly consequences.

**Policy Prescriptions**

The Government will strengthen regulatory bodies such as Ghana Standards Authority and the Food and Drugs Authority to ensure that only safe pharmaceutical products are available on the Ghanaian market.

Government will ensure that products that enter the country are labeled in the language understood by the purchaser or written in braille for the safety of the blind, indicating the date of manufacture, expiry date and content of the product among others.

Government will develop and maintain adequate standards, provisions and appropriate regulatory systems for ensuring the quality and appropriate use of pharmaceuticals through integrated national drug policies which could address, *inter alia*, procurement, distribution, production, licensing arrangements, registration systems and the availability of reliable information on pharmaceuticals.

**Standard Form Contracts**

**Policy Context**

Standard form contracts are legally binding agreements between two parties to do certain things, in which one side has all the bargaining power and uses it to write the contract primarily to his or her advantage. An example of a standard form contract is a standardized contract form that offers goods or services to consumers on essentially a "take it or leave it" basis without giving consumers realistic opportunities to negotiate terms that would inure to their benefit.
When this occurs, the consumer cannot obtain the desired product or service unless he or she acquiesces to the standard formal contract. In the circumstances, the contracts when entered into take away normal standard consumer rights and thereby create an imbalance of rights between the consumer and the provider.

**Policy Objectives**

- To promote fair and efficient standard form contracts that respect the rights and responsibilities of consumers.

- To develop a comprehensive and effective rules and standards for regulating the transaction that affect standard form contracts between parties.

- To encourage bigger inscriptions and better explanation of terms and conditions in such contracts.

**Policy Prescriptions**

Government will promote and encourage specific provisions in the upcoming consumer protection law to include;

A provision making it compulsory for thorough explanation of terms and conditions of the standard form contract.

Terms and conditions should be boldly written and not hidden or reduced beyond a specific font to empower the consumer to be fully aware of the terms and conditions he or she is submitting to.

Draw the attention of the customer and explain the terms of the contract without which the consumer cannot be held responsible

Provision making it an offence to inappropriately exclude or limit the legal rights of the consumer vis-à-vis the supplier

Not irrevocably binding the consumer to terms and conditions of a contract which he had no real opportunity of becoming aware upon the conclusion of the contract
Consumer Credit Contracts

Background

The term "credit" means the right granted by a creditor to a debtor to defer payment of debt or to incur debt and defer its payment or a credit is the trust which allows one party to provide resources to another party where that second party does not reimburse the first party immediately.

Policy Context

Limited or no information is given to consumers as to their rights when it comes to consumer credit contract. For example:

- Lack of detailed explanation as to the content of the contract.
- Unfair billing system.
- Deliberate withholding of information, among others.
- Hiding of vital information from customers by banks in their effort to have advantage over their competitors.

Policy Objectives

- To ensure that consumer credit contracts are fair to consumers.
- To ensure full disclosure of credit terms so that the consumer will be able to compare more readily the various credit terms available to him and avoid the uninformed use of credit.
- To protect the consumer against inaccurate and unfair credit billing and consumer credit contract practices.

Policy Prescriptions

(a) Government will include consumer credit laws in the new framework law on consumer protection.

(b) Government will also review existing consumer credit laws to ensure adequate protection of consumers.

(c) Government will ensure that financial institutions give adequate information to consumers.
Imported and Resold Technology and Commodities

Policy context

The effect of globalization and trade liberalization in the 21st century has made all countries to be dependent on imports of goods, services and technology.

All countries need to and/or choose to import at least some goods, services and technology for the following reasons:

- These commodities are either essential to economic well-being or
- Highly attractive to consumers but are not available in the domestic market or
- Goods, services or technologies that satisfy domestic needs or wants can be produced more inexpensively or efficiently by other countries and, therefore, sold at competitive prices.

Due to the above situation, it is sometimes difficult to trace the origin of goods and services. Manufacturers and importers alike take advantage of these complexities to flood the market with unacceptable products, services and technologies.

Policy Objectives

- To protect consumers from the consumption of unsafe products.
- To hold manufacturers and distributors responsible for the supply of unsafe goods.
- To ensure that only appropriate technology is imported into the country.

Policy Prescriptions

(a) Government will enact a comprehensive legislation to regulate the production and distribution of resold commodities.

(b) Government will encourage the education of both consumers and importers on the degree of their responsibility in respect of imported products.

(c) Government will review existing laws on imports, resold technology and commodities to strengthen the structures responsible to safeguard consumers.
Electronic Commerce

Policy Context

As electronic commerce becomes more important and with increasing volumes of transactions made online and through unorthodox channels, it becomes imperative to extend consumer protection policy in light of the electronic commerce environment. Governments around the world are engaged in this process as they seek to establish their countries as leaders in electronic commerce. Ghana as a lower middle income country needs to establish legal framework for consumer protection in electronic commerce.

Significant numbers of consumers continue to be wary about shopping online and by other electronic means because of concerns of security, confidentiality and redress. This reticence suggests a need to develop effective consumer redress tools to allay some of these concerns.

Policy Objectives

To create a secure environment for electronic commerce
To promote safe and secure internet access to consumers

Policy Prescriptions

Government will ensure the implementation of existing Electronic Transaction Act.

Government will ensure that the consumer protection framework law addresses any concerns that are not covered by the existing laws.


(a) Government will ensure that consumers are provided with clear and sufficient information to make an informed choice about how to purchase online and through other electronic means.

(b) Government will support and encourage private-sector initiatives that include participation by consumer representatives and consumer protection pressure groups to be more vigilant and more effective to educate the population.

(c) Government will ensure stronger collaboration between the public and the private sectors.
International Cooperation

Policy Context

Government is conscious of the fact that the world is now a global village. For any Government to be successful in the implementation of its policies it needs to cooperate and collaborate with the international community.

Policy Objectives

- To prevent unwholesome products from coming into the country through partnership and cooperation with the international community.
- To prevent the importation and/or disposal of any form of toxic waste into Ghana.

Policy Prescriptions

Government will, especially in a regional and sub-regional context:

(a) Develop, review, maintain or strengthen, mechanisms for the exchange of information on national policies and measures in the field of consumer protection;

(b) Cooperate or encourage cooperation in the implementation of consumer protection policies to achieve greater results within existing multilateral and bilateral agreements such as joint use of testing facilities, common testing procedures, exchange of consumer information and education programmes, joint training programmes and joint elaboration of regulations;

(c) Cooperate to improve the conditions under which essential goods are offered to consumers, giving due regard to both price and quality.

(d) Government will develop or strengthen information links regarding products which have been banned, withdrawn or restricted in order to enable other importing countries to protect themselves adequately against the harmful effects of such products.

(e) Government will ensure that the quality and information relating to restricted products does not vary from country to country, in a way that would have detrimental effect on consumers.

(f) Government will promote sustainable consumption of goods and services in collaboration with international bodies and businesses.
(g) Government of Ghana in collaboration with international organizations will promote and facilitate Capacity-building in the area of sustainable consumption.

(h) Government will also facilitate cooperation among consumer groups and other relevant civil society organizations, with the aim of strengthening capacity in this area.

(i) Government will ensure that policies and measures for consumer protection are implemented in conformity with international trade obligations.

Legal Arrangements

Government will develop a Competition Policy and enact a Competition Law to complement the consumer protection regime with competition rules that will ensure the creation of a fair, transparent and competitive marketplace in Ghana.

Government will supervise an immediately passing of a comprehensive consumer protection law and conduct a comprehensive review of the relevant legislations of existing regulatory agencies in order to streamline the operations of all the agencies involved in consumer protection.
CHAPTER FOUR

Introduction

Consumer protection cuts across several sectors of the economy. Consequently the effective implementation of the policy will require several different agencies acting in concert. There is, therefore, a need for strong coordination.

Guidelines for key Actions and Remedies

- Government will establish Consumer Protection Authority with enough powers to deal with day to day problems of consumers. The Authority will continually assess, evaluate laws on consumer protection and recommend to government the necessary reviews to reduce the difficulties in responding to problems quickly.

- Existing legal framework and existing institutions mandated to protect consumers will intensify their work and will receive the needed boost to enhance their work in terms of financial, logistical as well as review of the regulatory framework to enhance better performance.

- Government will actively encourage and support consumers to form associations to act as pressure groups and to collaborate with consumer protection agencies in monitoring the market.

- Civil society will be supported to establish consumer advocacy groups to be known as Consumer Watch Committees, at the district level, in cities and towns, to monitor the effective implementation of consumer protection policy measures and to act generally as consumer watchdogs in the marketplace.

- The Ministry of Trade and Industry will establish a unit for Consumer Protection under Domestic Trade Division of the Ministry. Under the auspices of the Ministry, an independent Consumer Protection Authority (CPA) will be established to be responsible for implementing the Consumer Protection Policy and for coordinating all Consumer activities in collaboration with regulatory agencies and other relevant bodies.

- The Authority will be expected to establish and operate offices in all ten (10) Regions of Ghana. Metropolitan, Municipal and District Assemblies will also be expected to establish Consumer Protection Units as will be directed by the Authority. The Units will collaborate with the Authority in the effective implementation and monitoring of consumer
protection policies and programmes. **MOTI** will have overall responsibility for the efficient and effective operation of the Authority.

- Government will in consultation with the Advertisers’ Association of Ghana, the Ghana Standards Authority, the Food and Drugs Authority and other regulatory authorities facilitate the establishment of a regulatory body to be known as the **National Advertising Authority (NAA)**, under the aegis of MOTI to regulate the advertising industry, advertising standards and practices in Ghana.

**Implementation Arrangements**

The Ministry of Trade and Industry will have overall oversight responsibility for the effective implementation of the policy, while the proposed Consumer Protection Authority will be responsible for actual implementation. The National Commission on Civic Education will be responsible for the sensitization and education of the consumer.

**Implementation Plan**

The effective implementation of the Policy will require several different agencies acting in concert. There is therefore the need to ensure strong coordination. The Ministry of Trade and Industry will have overall oversight responsibility for the effective implementation of the policy, while the proposed Consumer Protection Authority will be responsible for actual implementation. The National Commission on Civic Education will sensitize and educate Ghanaians on consumer protection issues. For this purpose, the agency will establish representation at regional and district levels. As far as possible, consumer associations and interest groups will be involved in the implementation of the Policy. With the adoption of the Policy, a draft framework law will be prepared and taken through extensive public consultations and workshops to ensure that organized business and labour, community groups and civil society all have the chance to provide inputs into the legislation.

**Implementation Framework**

The implementation framework covers the guidelines and institutional arrangements for the implementation of the policy as well as the monitoring framework. The Ministry of Trade and Industry will have overall oversight responsibility for the effective implementation of the policy, while the proposed National Consumer Protection Authority will be responsible for actual implementation. The National Commission on Civic Education will be in charge of sensitizing and educating the consumer.

**Implementation Guidelines**

a. Mainstreaming of consumer protection issues in sector policies and district plans.
In view of the cross-sectoral nature of consumer protection issues, steps will be taken to ensure that all relevant agencies involved in consumer protection will mainstream consumer issues in policy making processes at all levels. In particular, district assemblies will consider consumer interests in their plans and programmes. At the national level, sectoral agencies will also ensure that consumer issues are reflected in national policies.

b. Shared responsibility

Consumer protection is a shared responsibility of all sections of society. It involves Government and the public sector institutions at all levels, the private sector, civil society and consumers’ organizations and the public at large.

c. Legitimate interest of all

Every member of society, no matter his or her standing or status, is ultimately a consumer and as such has vested and legitimate interest in consumer issues.

d. Coverage

The Consumer protection policy covers all categories of goods and services acquired by consumers for their individual use. It covers public utility services, medical services, legal services, financial services, general public administration services and any other services as determined by Government upon the advice of the Consumer Protection Authority.

Implementation and Monitoring Of the Policy

Consumer protection affects several sectors of the economy. It has therefore strategic linkages with the policies of various sectors. There is a need therefore to ensure effective coordination and implementation of the consumer protection policy. The Ministry of Trade and Industry will have overall responsibility and oversight for coordinating the implementation of the consumer protection policy at all levels. The Consumer Protection Authority to be established will have responsibility for implementing the policy throughout the country. For that purpose, it shall establish representation at regional and district levels. As far as possible consumer interest groups and associations will be involved in the implementation of the policy.
The National Commission on Civic Education will be in charge of sensitizing and educating the consumer. For this purpose, the agency will establish representation at regional and district levels. As far as possible, consumer associations and interest groups will be involved in the communication strategy.

**Monitoring Framework**

Monitoring of the effective implementation of the policy is a shared responsibility of government, security agencies, the private sector, and civil society. The National Consumer Protection Authority to be established will assign roles to relevant bodies to ensure effective monitoring. It will collect and assess monitoring reports regularly from all relevant bodies involved in the monitoring process. It will also design a monitoring system, procedures and mechanisms for that purpose.

**Communication Plan**

To be effective, a consumer protection framework must provide for regular education of consumers on their rights and responsibilities as well as on the products and services consumed by them.

The goal of the communication plan will be to sensitize the general public on the rights and obligations of consumers and producers. The strategy will be to publish these rights and obligations and measures to obtain redress where consumer rights are breached. A series of media adverts, notices and publications will be issued in the print and electronic media for all stakeholders.