

FOREWARD

Consumers have become more and more exposed to all forms of threats. This is due to undesirable business practices and production of poor-quality goods and services. In addition, the advent of electronic commerce has completely changed the dynamics of business transactions which sometimes have adverse effects on the consumer. It is in the light that the Ghana Trade Policy proposed the development of a Consumer Protection Policy.

Prior to the preparation of this policy, the consumer protection regime in Ghana was woefully inadequate. There were deficiencies in the legislative, regulatory and institutional frameworks. Coupled with these, is the lack of easy and cost-effective redress mechanisms tailored to protect the consumer.

In view of the complexity of consumer protection issues, all relevant stakeholders were involved in the preparation of this policy. A consultative approach involving extensive stakeholder consultations and participatory policy planning methodologies were adopted to solicit valuable policy options. This comprised a five-level stakeholder consultation process for valuable policy inputs and buy-in by all players. The broad-based participation in the policy development process was to guarantee ownership, acceptance, and dedication in its implementation.

The process commenced with a thorough review of literature on essential documentation and existing laws. This was followed by a sensitization meeting with key institutional actors and Consumer Associations. The third level of consultation entailed a Goal-Oriented Policy Planning workshop that brought together key public and private sector agents, academia, civil society and non-governmental organizations bringing a wide variety of policy options. Subsequently, meetings were held with key organizations bringing in more in-depth thoughts. Finally, the draft policy document was reviewed by a Technical Committee established by the Ministry.

It must be noted that the final policy document was placed before relevant governmental and non-governmental actors at a stakeholder workshop organized by the Ministry in collaboration with the Consumer Advocacy Centre with sponsorship from Consumer International. Ghanaians are therefore excited that the policy has seen the light of day.

The policy offers consumer friendly initiatives and creates a fair marketplace for consumer welfare, health and safety. It addresses consumer needs under thematic areas including physical safety of goods, quality standards, product labeling and advertising, consumer choice and protection of special needs of consumers. As part of the recommendations of the United Nations Guidelines on Consumer Protection, it has special subject areas on food, water, pharmaceuticals, standard form contracts, consumer credit contracts, international cooperation and electronic commerce.

Additionally, the policy provides for the establishment of a Consumer Protection Authority, consumer redress mechanisms, consumer sensitization and the enactment of a law by Parliament. We should therefore look out for a full-fledged consumer protection regime with a Competition Law in the near future.

Our appreciation goes to all the stakeholders from public and private sector institutions, consumer associations and civil society, without which this document would not have seen the light of day. Finally, our deep depth of appreciation goes to the Consultant, the team from Ministry of Trade and Industry and all others for the countless hours committed to the realization of this policy document.

ABBREVIATIONS

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

CHAPTER ONE

1.1 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 Ghana Shared Growth Development Agenda (GSGDA (2010-2013), Ghana Poverty Reduction Strategy (GPRS) I (2003-2006), (2006-2009) and, the Private Sector Development Strategy (Phase 1), the Trade Policy, Industrial Policy and an ongoing new development framework, Ghana 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.

The liberalization of the economy has brought in its wake increased consumer exposure to all forms of dangers resulting from undesirable business practices and sub-standard goods and poor delivery of services. Government acknowledges its responsibility to protect consumers from these undesirable and unfair practices which adversely affect their health, safety and economy interests.

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 feature of the current regime is the inadequate National Quality Infrastructure (standardization, accreditation, conformity assessment and metrology). 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-burdens consumers.

Also, the lack of clear guidelines for the formulation and enforcement of Technical Regulations 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 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.

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.

1.2 Background Information

The establishment of the World Trade Organization (WTO) in January 1995 has resulted in 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 sub-standard goods for which they have no mechanism to competently deal with.

The integration of global consumer markets has led to imbalances in the interaction between businesses and a consumer 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. Observation across the world revealed that most countries are saddled with issues on consumers' right.

1.3 Observations of consumer Protection Around the World

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 (EU), 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.

1.4 Strategic Vision

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

- Create an environment that affords protection to consumers;
- Enhance consumer welfare;
- Promote fair trade;
- Ensure the protection of consumer human rights.

The vision is based upon the principles enshrined in the Directive Principles of State Policy, as well as the fundamental human rights in the 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.

1.5 Policy Goals

The aim of Consumer Protection Policy 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; and
- Align and harmonize Consumer Protection Policy with international best practices.

1.6 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; and
- To establish a public agency that will be responsible for the effective implementation of the Consumer Protection Policy.

1.7 Underlying Principles of the Policy

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:

The underlying principles of the Policy include the following:

- Recognizing the basic rights of consumers as human rights issues;
- Empowering consumers through regular education, information and representation of consumers in matters that affect them;
- Encouraging 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;
- Providing adequate and equitable levels of protection to the physically handicapped and the vulnerable; and
- Ensuring sustainable consumption and green marketing.

1.8 Special Provision

Ministries, Departments and Agencies (MDAs) shall regard and treat clients as consumers and must be treated as such to safeguard the constitutionally guaranteed human rights of all citizens.

1.9 Existing legal Regimes and Institutions on Consumer Protection

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 Rule 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 Government through the Ministry of

Trade and Industry has initiated the process to develop a comprehensive Consumer Protection Policy.

1.10 The Role of Existing Legal Regimes and Institutions in Ghana

Existing legislations and institutions that have an impact on the policy are highlighted within the context of Government's desire to use a multi-sectoral, multifaceted and rights-based approach to consumer protection.

The following existing laws protect the Consumer:

- The Sale of Goods Act, 1962 (Act 137)
- Hire Purchase Act, 1974 (NRCD 292)
- Contract Act, 1960, (Act 25)
- Standards Authority Act, 1973 (NRCD 175)
- Public Health Act, 2012 (Act 851)
- Foods and Drugs Law, 1992 (PNDC Law 3058)
- Weights and Measures Act, 1975 (NRCD 326)
- Ghana Standards Board (Foods, Drugs and Other goods) General Labeling Rules, 1992 (LI 1541)

1.11 Ghana Standards Authority (GSA) and Consumer Protection

The Ghana Standards Authority was established with the object of ensuring high quality of goods for local consumption and for export. It is also mandated to promote standardization standards in public and industrial welfare, health and safety.

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

The Authority is also to 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 of human consumption, goods unless the goods are certified by the Authority to comply 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 goods.

1.12 Food and Drugs Authority (FDA) and Consumer Protection

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

Part 1, covers prohibition against sales of unwholesome, poisonous or adulterated food; food offered as prizes etc. Deception of consumers; standards of foods; prohibition against sale of offered 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; and defense under this part and closure of premises where there is risk of contaminated food.

Part II 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 herbal and homeopathic drugs.

Part III 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 2012, the Food and Drugs (Amendment) Act, 1996, was amended and named Public Health Act, 2012 (Act 851). This new law still provides 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 iodine. It also defined salt officially as food.

1.13 National Communications Authority (NCA) 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 systems operators achieve the highest-level of efficiency in the provision of communications services and are responsive to customer and community needs;

- 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 services;
- To protect the interest of consumers;
- To facilitate the availability of quality equipment to consumers and operators.

1.14 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 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.

1.15 National Commission for Civic Education (NCCE) 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; and
- To assess for the information of the Government, the limit to the achievement of the democracy caused by the inequalities between different levels of the population and to make recommendations to address these inequalities.

1.16 Electronic Transactions Act, 2008 (Act 772)

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 transaction 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; and
- Ensure that the interest and image of the Republic are not compromised through the use of electronic communications.

1.17 Critical Success Factors

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;

- Ensuring that technological and infrastructural challenges encountered in the rural and poor communities are addressed; and
- Protecting of children from dangerous information on the internet.

1.18 Thematic Areas

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:

- Physical Safety of Goods and Distribution facilities;
- Promotion and Protection of Consumers' Economic Interests Through Fair Trading Practices;
- Quality Standards for Safety and Health of Consumers and Consumer Goods and Services;
- Consumer Redress and Representation Measures;
- Advertising of Products and Services;
- Education and Information;
- Consumer Choice;
- Promotion of Sustainable Consumption and Environment;
- Product Information and Labeling;
- Addressing Special Needs of Vulnerable and Disadvantaged Consumers;
- Special Subject Areas:
 - Food
 - Water
 - Pharmaceuticals
 - Standard Form Contracts
 - Consumer Credit Contracts
 - International Cooperation
 - Electronic Commerce
 - Imported and resold Technology and Commodities

CHAPTER TWO

2.1 PHYSICAL SAFETY OF GOODS AND DISTRIBUTION FACILITIES

2.2 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.

2.3 Policy Context

Trading and distribution of goods take place in Ghana mainly in open markets, kiosks, small shops, stores, supermarkets and mails 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 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.

2.4 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.

2.5 Policy Prescriptions

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

- Ensure that safety regulations, mandatory standards and voluntary standards are adhered to;
- Enforce 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;
- Provide 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 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 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 1979 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.

2.6 Promotion and Protection of Consumers' Economic interests Through Fair Trading Practices

2.6.1 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.

2.6.2 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 Policy and Law must therefore promote consumer choice by regulating the behaviour of firms in the market.

2.6.3 Policy Objectives

- To promote fair and efficient trading systems and practices that respects the rights and responsibilities of consumers, sellers as well as buyers.
- To develop comprehensive and effective rules and standards for regulating interaction among sellers, buyers and consumers.

2.6.4 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 facilitate the revelation of dangerous substance hidden in products under the guise of trade secrets.

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.

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

2.7.1 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.

2.7.2 Policy Context

An effective standards regime is important for the protection of consumers. In line with the World Trade Organization (WTO) Agreements on Technical Barriers to Trade (TBT) and Sanitary and Phyto-Sanitary Measures (SPS), Ghana Standards (GS) are based on international standards, codes and guidelines issued by International Standard Organisation (ISO), Codex Alimentarius Commission, and International Plant Protection Convention (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. Some sub-standard products have found their way into the Ghanaian market.

2.7.3 Policy Objectives

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

2.7.4 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 and LI 1934.

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

2.8 Consumer Redress and Representation Measures

2.8.1 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.

2.8.2 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 guarantee and warranty scheme;
- Lack of awareness of consumers about where and how to seek redress;
- Lack of standard procedures for establishment claims.

2.8.3 Policy Objectives

- To make timely redress easily accessible to all categories of consumers;
- To ensure that a well-defined mechanism for redress and compensation are developed;
- To ensure that consumers are well informed about redress mechanisms.

2.8.4 Policy Prescriptions

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

2.9 Advertising of Products and Services

2.9.1 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 consumers.

2.9.2 Policy Context

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

- The exaggeration of the potential and 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; and
- Misuse of children in advertising.

2.9.3 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.

2.9.4 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.

2.10 Education and Information

2.10.1 Introduction

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

2.10.2 Policy Context

Currently, there are large numbers of people who are illiterates and cannot make informed choices. Also, majority of the population do not see consumer protection issues as human rights issues and therefore cannot access these rights adequately. This problem is large 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 discerning consumers, capable of making an informed choice of goods and services, and conscious of their rights and responsibilities.

2.10.3 Policy Objective

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

2.10.4 Policy Prescriptions

Government will promote the development of educational programmes and information dissemination on consumer protection through agencies such as NCCE, PURC and NCA.

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.
- b) Product labeling.

- c) Relevant legislation on how to obtain redress and representation.
- d) Information on relevant agencies and organizations responsible for consumer protection.
- e) Information on weights and measures, prices, quality, credit conditions and availability of basic necessities.
- f) Environmental protection.
- g) Efficient and sustainable use of resources such as minerals, energy and water.

Government will encourage schools, consumer organizations, the media and other interested groups to undertake educational information dissemination programmes on the environmental impacts of consumption patterns.

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.

2.11 Consumer Choice

2.11.1 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.

2.11.2 Policy Context

Currently in Ghana, most producers, service providers as well as consumers operate under free market conditions. However, consumers are left at the mercy of 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. Accordingly, information dissemination and regulation are crucial for consumer behaviour when it comes to choose.

2.11.3 Policy Objective

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

2.11.4 Policy Prescriptions

Government will formulate a Competition Policy which will encourage market conditions 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.

2.12 Promotion of Sustainable Consumption and Sustainable Environment

2.12.1 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 and services, including recyclable and bio-degradable packaging as well as processes that will ensure energy efficient and environmentally friendly operations.

2.12.2 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 and disposal of waste, spillage of oil and gas, e-waste, mining among others.

2.12.3 Policy Objectives

- To establish a legal framework that will 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; and
- To encourage Green Marketing Practices.

2.12.4 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 on 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 resource efficient;
- Promote the recycle of waste and the use 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; and
- Cooperate with business and other relevant groups to develop indicators, methodologies and databases for measuring progress towards sustainable consumption at all levels.

2.13 Product Information and Labeling

2.13.1 Introduction

In addition to meeting national and international standards, the safety of consumers depends, 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.

2.13.2 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.

2.13.3 Policy Objectives

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

2.13.4 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 to recall, withdrawal, destruction and 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.

2.14 Addressing Special Needs of Vulnerable and Disadvantaged Consumers

2.14.1 Introduction

This deals with the protection of poor and vulnerable consumers who may be disadvantaged due to their peculiar circumstances. The vulnerable 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 Consumer Protection regime.

2.14.2 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, 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.

2.14.3 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.

2.14.4 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 breast feeding.

Government will establish clear cut rules to ensure that the design and construction of public facilities take into consideration the needs of the aged 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 brailled inscriptions on them to protect the blind.

2.15 Special Subject Areas

2.15.1 Introduction

In advancing consumer interest and in fulfilment 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 and Commodities, Electronic Commerce and International Cooperation.

2.15.2 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, road sides, factories that emit toxic substances, among others.
- Preparation, exposure and sale of raw foodstuffs in polluted and unhygienic places or conditions e.g. display of foodstuffs 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 system and to reduce the risk of food borne diseases;
- To ensure that all food, whether produced locally or imported 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 Commission and OIE.

Policy Prescriptions

Government will implement policies to maintain 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 Commission, OIE and other generally accepted international food standards.

2.15.3 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 and all forms of human activities;
- Poor treatment and irregular supply of water;
- Contamination of water through the distribution processes for example, vending, packaging, storage, etc.

Policy Objectives

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

Policy Prescriptions

Government will ensure effective implementation of the Water Policy of Ghana.

Government will ensure that water bodies and sources are protected from harmful 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 (LI 1692).

2.15.4 Pharmaceuticals

Policy Context

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

Policy Objective

- To ensure that fake and unwholesome drugs do not enter the Ghanaian market.
- To protect consumers from consuming fake and unwholesome drugs thereby safeguarding them from its dangerous and deadly consequences.

Policy Prescriptions

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 and expiration, 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.

2.15.5 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 respects 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 enact laws that will take into account the following:

A provision making it compulsory for thorough explanation of terms and conditions of the Standard Form Contract that is user friendly.

Terms and conditions should be boldly written and not hidden or reduced beyond a specific font-size 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-a-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.

2.15.6 Consumer Credit Contracts

Policy Context

There is limited or no-information 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.
- 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 all parties.
- 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

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

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

Government will ensure that financial institutions give adequate information to consumers.

2.15.7 Imported and Resold Technology, Commodities and Services

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

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

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

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

2.15.8 Electronic Commerce

Policy Context

As electronic commerce becomes more important, 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 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 Transactions Act 2008, (Act 772).

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

The National Information Technology Agency established under National Information Technology Agency Act 2008 (Act 771) shall facilitate and regulate electronic transaction.

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.

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

Government will ensure stronger collaboration between the public and the private sectors.

2.15.9 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 partner and cooperate with international community in preventing unwholesome products from entering into the domestic market.
- 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:

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

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;

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

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.

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.

Government will promote sustainable consumption of goods and services in collaboration with international bodies and businesses.

Government in collaboration with international organizations will promote and facilitate Capacity-building in the area of sustainable consumption.

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

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

CHAPTER THREE

3.1 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.

3.2 Guidelines for Key Actions and Remedies

- Government will establish an independent Consumer Protection Authority (CPA) with enough powers to deal with day to day problems of consumers. The Authority will be responsible for implementing the Consumer Protection Policy and for coordinating all Consumer activities in collaboration with regulatory agencies and other relevant bodies. The CPA will continually assess, evaluate laws on consumer protection and recommend to government the necessary reviews to reduce the difficulties in responding to problems.
- 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.
- 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

Council (NAC), under the auspices of MOTI to regulate the advertising industry, advertising standards and practices in Ghana.

3.3 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 (NCCE) will be responsible for the sensitization and education of the consumer.

3.4 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 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.

3.5 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 Consumer Protection Authority will be responsible for actual implementation.

3.6 Implementation Guidelines

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

3.7 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 consumer organizations and the public at large.

3.8 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.

3.9 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.

3.10 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.

3.11 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 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 monitoring systems, procedures and mechanisms for this purpose.

3.12 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.

GLOSSARY

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

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.

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.

Disadvantage – includes socially deprived people, the blind, the deaf and dumb, physically and mentally challenged people among others. ‘Vulnerable’ means; the blind, the deaf and dumb, the sick, poor, physically and mentally disabled the illiterate community among others.

E-waste – Any refuse created by discarded consumer and business electronic equipment or device as well as substances involved in their manufacture or use.

Goods include:

- 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; gas, water and electricity.

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 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.

Market – in this policy means, a public gathering held for buying and selling of merchandize.

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.

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 Filling 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.

Supplier – (i) Means a person who, in trade (ii) 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 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
- d) Supplies services to an individual consumer or a group of consumers (whether or not he consumer is a party, or the consumers are parties to a contract with the person); and includes:-
 - 1) 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;
 - 2) 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;
 - 3) 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;
 - 4) A person who, in trade is acting as an agent for another, whether or not that other is supplying in trade; and
 - 5) For the avoidance of doubt in the following circumstances, means only:-
 - a) In the case of supply of electricity as a good, the retailer of the electricity with whom the consumer has a contract; and
 - b) 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
 - c) 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.