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disadvantaged consumers**

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*The Protection of Vulnerable and Disadvantaged Consumers: Initiatives of any kind
that address the specificities and needs of the most needy of protection among the
groups of consumers*

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COMPETITION & CONSUMER PROTECTION COMMISSION

**Intergovernmental Group of Experts on Consumer Protection Law
and Policy**

1st Session, 3-4th July, 2017, Geneva, Switzerland

Roundtable on

**The Protection of Vulnerable and Disadvantaged Consumers:
Initiatives of any kind that address the specificities and needs of
the most needy of protection among the groups of consumers**

Background

One of the key aims of the Competition and Consumer Protection Act, No. 24 of 2010 (Act) is to protect the interest of consumers as they deal with producers and sellers of various goods and services on the market. The law protects consumers because they are usually a weaker party in any transaction as they are at the receiving end. As such, the law seeks to ensure that consumers get value for their money. The Competition and Consumer Protection Commission (CCPC) aims at protecting and enhancing competition and consumer welfare in the economy for the benefit of the people of Zambia. CCPC

recognised the fact that Zambian consumers may be vulnerable and disadvantaged, hence its role to protect them.

Definition of Concepts

Vulnerable Consumer

“A vulnerable consumer is a person who is capable of readily or quickly suffering detriment in the process of consumption. A susceptibility to detriment may arise from either the characteristics of the market for a particular product, the product’s qualities or the nature of the transaction; or the individual’s attributes or circumstances which adversely affect consumer decision making or the pursuit of redress for any detriment suffered; or a combination of these.”¹

A person who is vulnerable is capable of being easily or quickly harmed or injured. Vulnerability also implies an association with the concept of risk. An alternate formulation of the meaning of vulnerability is that it is the state of exposure to the chance of injury or loss (certain risks).² A person who is highly vulnerable is very open to experiencing detriment to his or her interests. Although one ought to note that vulnerability is a relative concept as there are varying degrees of susceptibility to harm and one person may be more, or less vulnerable than another. A person’s degree of vulnerability will be influenced by two categories of factors namely:

- Ability to protect or defend against the chance of injury or loss; and
- Ability to cope with the negative consequences of injury /loss when it occurs.

Consumer Detriment

This includes, in addition to physical harm or monetary loss associated with a purchase, satisfaction less than a consumer’s reasonable ex-ante expectation and the denial of a transaction sought by a consumer.³

Consumer Disadvantage

This is a persisting susceptibility to detriment in consumption.⁴

Disadvantaged Consumer

¹ Discussion paper on What do we mean by “Vulnerable’ and ‘Disadvantaged’ Consumers? P. 3

² The risk-based definition is adopted in the Report of the Expert Workshop on Way and Means to Enhance Social Protection and Reduce Vulnerability, United Nations Commission for Social Development, November 1997 (E/CN.5/1998/5) p.4

³ Discussion paper on What do we mean by “Vulnerable’ and ‘Disadvantaged’ Consumers? P. 3

⁴ Ibid p.3

“A disadvantaged consumer is a person in persistent circumstances and /or with on-going attributes which adversely affect consumption thereby causing a continuing susceptibility to detriment in consumption. As a result, a disadvantaged consumer repeatedly suffers consumer detriments, or alternatively expressed, generally obtains below average satisfaction from consumption.”⁵

“By ‘disadvantaged’, we refer to all groups that encounter structural obstacles (i.e. obstacles created by society) to access resources, benefits and opportunities. Those obstacles derive from the relationships of power which exist in all societies and the relative value which society gives to each group...The structural causes that underlie disadvantage include race, ethnicity, gender, religion, indigenous or national origin, and socio-economic status.”⁶

Factors that may contribute to disadvantage include: mental capacity; race or ethnicity; age, gender and sexual preference; health status; educational attainment; labour force status (employed or unemployed); income status; and geographical location (remoteness from urban-based services).

There are vulnerable and disadvantaged consumers in Zambia. These may include the illiterate, mostly found in the sub-urban areas of the cities and towns, and the villages. Others include learners (pupils).

What Vulnerability do they suffer or How Disadvantaged are the Zambian Consumers

The illiterate are vulnerable because they are victims of unsafe goods; such as expired and unlabelled products; unsuitable services; lack of information to enable them make sound purchasing decisions; lack of understanding of complex terms and conditions; misleading information to mention but a few.

Consumers are disadvantaged due to factors such as physical capacity, age, education levels, income status and geographic location especially remoteness from urban-based services.

Initiatives CCPC has used to address the needs of the Vulnerable Consumers

In trying to address the needs of the vulnerable and disadvantaged consumers, CCPC has carried out various awareness and advocacy programmes. These include:

- **Use of the survey tracker for improved consumer service.** At the point when a complaint is physically lodged in by a consumer, CCPC engages the consumer through a very short questionnaire aimed at enhancing complaint resolution. During

⁵ Ibid P. 5

⁶ UN Report of the Expert Workshop, p.4.

that time, CCPC encourages consumers to understand their rights and share with their families and friends. Consumers are at this same point educated on how they are fully protected from any form of unfair trading practices.

- **Translation of brochures into the seven main dialects of Zambia.** CCPC understands the demographics and cultural perspectives of the Zambian citizens and therefore, translated all the brochures into the seven (7) main local languages for consumers to fully understand their rights and how they are protected by the Act. CCPC also uses *pictorial cartoons* to enhance communication to consumers as there are some consumers that understand better through pictures than mere words.
- **Writing articles, mounting of bill boards, running of recorded adverts in various local languages.** In its bid to sensitise consumers on their rights and obligations, CCPC always writes articles in the main tabloids of Zambia. CCPC alerts consumers of their protection through various social media platforms such as face book and twitter. CCPC also has mounted bill boards in various provinces across the country all aiming at enhancing consumer welfare. CCPC has come up with a number of recorded adverts that are played at strategic places such as bus terminuses as well as community radio stations all done in both English and local languages.
- **Commemoration of World Consumer Rights Day (WCRD).** On every 15th of March, CCPC always participates in the commemoration of the WCRD. This commemoration offers a platform for CCPC to engage various consumers and stakeholders and share knowledge on enhancing consumer protection. Among other activities that are done include; conducting road shows, appearing on various television and radio programmes and engage learners from various schools to conduct various awareness campaigns.
- **Provincial Sensitisation Tours.** CCPC conducts quarterly provincial and sensitization tours in various provinces. During the provincial tours, CCPC ensures that they reach to all remote

areas of the country and educate consumers in the village at Chiefdom level about their rights and obligations and how the Act protects them from any form of unfair trading practices. Radio programs are conducted in local languages and local drama and road shows are held with key messages being given to both consumers and traders. This helps them to know their rights and for traders not to breach the Act respectively. Inspections of trading premises are also conducted.

- **Establishment of Competition and Consumer Protection Commission School Club**

CCPC has established about three hundred (300) Competition and Consumer Protection Commission School Clubs (CCPCSCs) across the country in all the ten provinces of Zambia. These are in secondary schools. CCPC realized the need to empower the young generation with knowledge of their consumer rights and obligations by creating CCPCSCs. Using matrons and patrons who are in charge of teaching the learners the role of the Commission, thereby educating them on their consumer rights and obligations, the CCPCSCs have engaged in various activities to spread key messages about CCPC to the learners. Learners communicate how they are protected by the Act by participating in various activities such as debates, drama, quizzes; and essay writing competition and so on. Such events are usually televised on a national broadcaster for wider coverage.

- **Inter-City Bus Terminus Sensitisation.**

The Commission has come up with key audio messages that are running at Inter-City Bus Terminus (this is an international bus station) in Lusaka in order to sensitise vulnerable consumers on how not to fall prey to unscrupulous bus service operators, who get travellers to use bus service operators of those they do not wish to. This is done by misleading consumers who would ordinarily not prefer to use such bus services.

- **Appointment of Inspectors and Inspection of Trading Premises.** CCPC works with the local authorities and Ministry of Health- Environmental Health Technologist (EHTs) throughout the country and conducts frequent impromptu inspections of various trading premises to ensure that traders are compliant with the Act. Thus, CCPC has appointed 109 part- time inspectors from all the local authorities and EHTs across the country that conduct monthly inspections of trading premises. Such impromptu inspections are conducted in order to protect consumers against any forms of unfair trading practices such as the supply of expired products and display of disclaimers. The Commission also conducts inspections of trading premises countrywide using its own staff in conjunction with other stakeholders like the Zambia Bureau of Standards, the Energy Regulation Board and the Zambia Weights and Measures Agency.

- **Introduction of a Toll-Free Line**

CCPC has introduced a toll-free line “5678” on all the three mobile phone networks, ie MTN, Airtel and ZAMTEL to allow consumers who cannot afford to pay for a phone call to be able to access CCPC and lodge their complaints. This has seen the Commission receiving complaints from far flung areas and from the most vulnerable consumers. In addition, this has also helped such consumers to receive their redress promptly.

- **Chiefdom Sensitisation**

CCPC has been conducting chiefdom sensitisation where officers of the Commission meet with chiefs, headmen and their subjects and conduct sensitisation talks regarding consumer rights and obligations. The Commission staff specifically conduct demonstrations of certain key messages that disadvantaged consumers may have. Demonstrations such as what an expiry date is and how to check out for it as most of these consumers are illiterate and do not know how to spot and interpret an expiry date. This has helped these most vulnerable and disadvantaged consumers to form their own watch groups and ensure that traders in their villages breaching provisions of

the Act, especially selling expired and unlabelled products, refusing to refund consumers are brought to book.

- **Challenges**

CCPC lacks adequate funding to engage in more consumer sensitisation programme such as radio, chiefdom sensitisation and television programmes. In addition, some rural areas are remote, requiring more time to reach them.

- **Conclusion**

CCPC will continue engaging in these various initiatives to reach out to the vulnerable and disadvantaged consumers and enable them to be aware of their rights and obligations so that they get value for their money.