

8th United Nations Review Conference on Competition and Consumer Protection

19-23 October 2020

Room XIX, Palais des Nations, Geneva

Friday, 23 October 2020

**The Implementation of
the United Nations Guidelines for Consumer Protection**

Contribution of the Competition Authority of Kenya

This material has been reproduced in the language and form as it was provided. The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.

Talking points

1. Out of the 5 areas of the UNGCP discussed in the Secretariat background note; *principles for good business practices, consumers education and information program, e-commerce, financial services, and measures related to specific areas (water and energy)*; from your experience, which ones would you consider to have registered implementation success on one hand or challenges on the other.

- The Competition Act No 10 of 2012 ;

-Provisions relating to consumer protection advisory role to government.

- i. Supporting consumer lobby groups; and
- ii. Enforcement and pedagogical powers.

- **Consumers Education and Information Program;**

- i. Publicizing Authority's decisions;
- ii. Sector wide investigations and advocacy;
- iii. working with trade associations and consumer lobby groups for creation of awareness up to the grassroots levels; and
- iv. Educating regional governments (47 of them) the mandate of the Authority.

Consumer levels of awareness has increased by 29% over the last four (4) years

- **E-Commerce:**

- i. Online market sweep for over 20 e-commerce platforms; and
- ii. **Key findings;** unavailability of T&Cs; lack of refund/return policies and misrepresentation.

#The Authority directed 8 firms to review their Terms and Conditions, which were found to be unconscionable.

- **Financial Services:**

- i. Transparency/Disclosures in the DFS; and
- ii. Investigations focusing on T&Cs on mortgages in the banking sector.

The Authority informed development of a Consumer Protection Framework in the financial services sector.

Challenges

- **Billing in the Electricity and Water Sector;**

- i. Need for better coordination with the regulators.

2. What areas of UNGCP would you recommend for further discussion (not restricted to the five issues) and why? What would you consider to be the role of UNCTAD in these matters?

- i. International cooperation and coordination in enforcement; and
- ii. Provision of investigation support/ capacity building in investigating big tech firms in specific areas in the digital economy.

