



REPUBLIC OF KENYA

**MINISTRY OF INVESTMENTS, TRADE
AND INDUSTRY**

STATE DEPARTMENT FOR TRADE

**THE
NATIONAL CONSUMER PROTECTION POLICY**

May 2025



FOREWORD

In recent years, consumers have faced increasing exposure to various risks arising from unethical business conduct and the circulation of substandard goods and services. The rapid expansion of electronic commerce has further altered the landscape of commercial transactions, at times to the detriment of consumer welfare. In recognition of these evolving challenges, the Government has formulated the National Consumer Protection Policy. This Policy represents a critical step toward the establishment of a comprehensive framework for the protection and promotion of consumer rights and interests throughout the nation. This Policy is a significant milestone in safeguarding the rights and interests of consumers across our nation.

Consumer protection plays an important role of deterring and prohibiting unfair or misleading trade practices such as the use of false weighing or measuring equipment, deceptive advertising, among other vices, which usually increase under a liberal trade regime. In the era of globalization, consumer protection is essential in the promotion of fair trade, in a competitive environment by ensuring that there is maximum freedom for participants to effectively operate in the market while recognizing the case for appropriate standards.

The National Consumer Protection Policy is in line with the Constitution of Kenya, Kenya Vision 2030, Medium Term Plans, Bottom-up Economic Transformation Agenda, National Trade Policy, and other sectoral policies and strategies aimed at increasing incomes, creating wealth and ensuring sustainable development. Further, the Policy commits the Government to implement obligations and commitments at the East African Community, Common Market for Eastern and Southern Africa and the World Trade Organization on consumer protection while adhering to the recommendations of the United Nations Guidelines on Consumer Protection.

This Policy underscores our commitment to creating an environment where consumers can make informed choices, and be confident in the knowledge that their rights are upheld and protected. The Policy sets out the approach of the Government towards consumer protection, enumerates the rights of consumers, and apportions responsibility for consumer protection to appropriate organs of the State.

Implementation of this policy will require participation by all relevant organs of Government and stakeholders. Regular consultations and dialogues are key in realizing the goals of the Policy. Together, let us strive to create an environment where consumer rights are not only recognized but also respected, protected, and upheld and thereby foster a thriving economy built and based on mutual trust and accountability.

I would like to make an assurance that the Government shall provide an enabling environment to ensure that the Policy is effectively implemented. In this regard, the Ministry shall provide the requisite support for the implementation of this policy in the Country.

HON. LEE KINYANJUI, EGH.

**CABINET SECRETARY
MINISTRY OF INVESTMENTS, TRADE
AND INDUSTRY**

PREFACE

Advancement in information, communication and technology as well as the growth of social media platforms have immensely contributed to high consumer awareness. The consumer is overwhelmed with sophisticated marketing campaigns intended to influence the purchasing behaviors. Although this advancement in technology provides the consumer with more information and options, it also poses risks in consumer protection.

The Constitution of Kenya, under Article 46, highlights the need for consumer protection and clearly amplifies aspects of consumer protection rights, which require further legislation. These include but are not limited to, the right to goods and services of reasonable quality; access to information necessary for consumer to gain full benefit from the goods and services; the protection of health, safety and economic interest of the consumer; and the right to compensation for loss or injury arising from defects in goods and services.

To address the increasing exposure to various risks arising from unethical business conduct and the circulation of substandard goods and services, a Technical Working Group was formed to spearhead the process of the development of this Policy. In view of the cross-cutting nature of consumer protection, a consultative approach involving extensive stakeholder consultations and participatory methodologies during preparation, sensitization and validation meetings with the public and private sectors were adopted to solicit valuable policy options. A review of literature on essential documentation and existing laws, regulations and policies was conducted. The broad-based participation in the policy development process was to guarantee ownership, acceptance, and dedication in its implementation.

The development and implementation of a robust consumer protection framework is essential to driving economic growth, fostering competitiveness, and upholding social justice. The National Consumer Protection Policy is a significant milestone in our commitment to promoting and protecting consumer rights and interests for just, equitable and sustainable economic and social development. This Policy stands as a testament to our dedication to fostering a fair, transparent, and sustainable marketplace for all. The Policy aims at creating an environment where consumers can make informed choices without fear of exploitation or unfair practices. It also underscores our resolve to adapt to the dynamic nature of the marketplace, embracing technological advancements, and evolving business models while ensuring that consumer rights remain at the forefront of economic activities.

Finally, I wish to express my sincere gratitude to the Cabinet Secretary Hon. Lee Kinyajui for his leadership in the development of the Policy. I also wish to extend my appreciation to all stakeholders specifically Ministries, Departments, Agencies County Governments, Development Partners (Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) and Global Alliance for Improved Nutrition (GAIN)) for their support in the development of this policy. I express my confidence that implementation of this Policy will significantly contribute to a fair, transparent, and vibrant marketplace for all Kenyan consumers.

REGINA A. OMBAM

**PRINCIPAL SECRETARY
STATE DEPARTMENT FOR TRADE
MINISTRY OF INVESTMENTS, TRADE
AND INDUSTRY**

ACKNOWLEDGEMENTS

The formulation of the national consumer protection policy of Kenya has been a collaborative effort, drawing upon the expertise and insights of various stakeholders from the public and private sectors. Their invaluable contributions were instrumental in shaping this policy into a comprehensive framework that addresses the diverse needs and challenges faced by consumers within the country.

I am profoundly honored to extend my sincere appreciation and gratitude to all those who dedicated their time and expertise to make contributions which enriched this policy during its formulation and development.

In particular I extend my deepest appreciation to the Cabinet Secretary for Investments, Trade and Industry, and the Principal Secretary, State Department for Trade, for their leadership roles and support provided in ensuring the finalization of this document. Their vision, guidance, and support were pivotal in the formulation of this policy. I also sincerely appreciate the entire team at the Ministry for their unwavering commitment and dedication to the cause of consumer protection.

Moreover, I extend thanks to the various stakeholders, including the Government Departments, Semi-Autonomous Government Agencies, County Governments, industry representatives, legal experts, consumer advocates, Accredited Consumer Protection Organizations, civil society organizations, academia, and the general public, whose expertise and collaboration were invaluable in the formulation and development of this Policy. Their insight, feedback, and constructive criticism ensured that the policy reflects diverse perspectives and addresses the dynamic challenges faced by consumers in our society.

I want to express my gratitude to Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) for their steadfast financial and technical support in advancing consumer protection, particularly in the rapidly evolving landscape of e-commerce and digital trade. Their continued partnership has played a vital role in strengthening our capacity to safeguard consumer rights, promote fair digital marketplaces, and build resilient systems that benefit all.

I also want to express my appreciation to the Global Alliance for Improved Nutrition (GAIN) for their financial support. Their commitment in ensuring that consumers access nutritious and safe food is commendable and their belief in our mission and support will have a lasting impact on the lives of many, ensuring that consumers are empowered, informed, and protected.

Our deep appreciation also goes to the multi-agency technical team which was drawn from various state departments for their tireless efforts, relentless research, and extensive consultations which led to the realization of this policy document. Special thanks also go to the Council of Governors for their contribution in giving the perspective of the counties in consumer protection which was very vital.

This policy stands as a testament to our collective commitment to fostering a marketplace where consumers are empowered, protected, and valued. I urge stakeholders at all levels to actively engage in its implementation, as our collective efforts will determine the efficacy and success of our consumer protection measures. It is with gratitude and optimism that I look forward to the positive impact this policy will have on the lives of all consumers across the country.

LUCAS R. W. MWAGO

**AG CHIEF EXECUTIVE OFFICER
KENYA CONSUMERS PROTECTION ADVISORY COMMITTEE (KECOPAC)**

EXECUTIVE SUMMARY

Kenya's consumer protection framework is firmly rooted in the guarantee and safeguarding of consumer rights. However, emerging issues such as e-commerce and the use of Artificial Intelligence (AI), fragmented policy frameworks, weak coordination among enforcement agencies, resource constraints, and limited consumer feedback mechanisms have resulted in gaps that have affected the achievement of the national consumer rights goals. These gaps undermine the full realization of constitutional and legal protections, making it essential to strengthen institutional capacity, update policies to reflect modern challenges, and promote greater awareness to ensure comprehensive consumer protection in Kenya.

The Ministry of Investments, Trade and Industry (MITI) has continued to promote fair trade practices and consumer protection. This function is discharged by the State Department for Trade through the Kenya Consumers Protection Advisory Committee (KECOPAC) and the Weights and Measures department. KECOPAC, in discharging its policy advisory role on consumer protection, coordinated the development of an anchor National Consumer Protection Policy (NCP) to address these policy gaps. The NCP offers a cohesive strategic approach to reinforcing consumer rights, enhancing enforcement mechanisms, building consumer confidence, and fostering sustainable economic development by ensuring that consumer protection rights are systematically upheld across all sectors.

This NCP outlines a comprehensive approach to safeguarding consumer rights and interests anchored on a rights-based foundation for protecting consumer transactions, including goods, services, digital trade, and emerging markets, across public and private sectors, and formal and informal markets. The policy strategically aligns with the Kenya Vision 2030, Medium Term Plans (MTPs), the Bottom-up Economic Transformation Agenda (BETA), and international guidelines like the United Nations Guidelines on Consumer Protection (UNGCP) to provide a robust institutional and agency framework. The policy proposes a clear implementation and coordination mechanism spearheaded by a new Agency, which will oversee, coordinate, advise, conduct research, and promote consumer education.

This policy also addresses critical thematic areas identified through situational analysis. These include product safety and liability, product standards, warranties, aftercare, accessible redress mechanisms, responsible packaging, marketing, and advertising, environmental protection, and the protection of vulnerable groups. It acknowledges and addresses priority consumer protection challenges posed by the emerging digital economy and e-commerce, along with AI-driven consumer rights vulnerabilities.

To further enhance enforcement and redress, the NCP aims to improve enforcement of consumer laws and establish accessible, efficient, and affordable redress mechanisms, including a Consumer Dispute Resolution Forum and Alternative Dispute Resolution (ADR) approaches. With a keen focus on consumer empowerment, the policy lays out measures for improving consumer awareness and information to enable informed choices and the ability to assert their rights effectively.

Taking a multi-stakeholder approach to coordination, it emphasizes the importance of participation and collaboration among various actors, including national and county governments, Parliament, the Judiciary, consumer protection regulatory bodies, the private sector, accredited consumer organizations, academia, media, and development partners. The policy also recognizes that its successful implementation will require enhanced human, physical, and financial resources from various actors in the sector. While the primary source of funding for government agencies in Kenya is the National Treasury, the proposed Agency, in collaboration with the responsible Ministry, and the relevant stakeholders, will develop a comprehensive resource mobilization strategy.

To ensure efficiency, effectiveness, impact, and sustainability, the Agency will continuously track implementation progress through periodic monitoring, evaluation, and reporting—conducted in partnership with stakeholders—to assess the relevance and achievement of the Policy's objectives. This comprehensive framework for monitoring and evaluation will inform a policy review cycle of at least every ten years, or as needs arise, to adapt to technological advancements and emerging consumer protection challenges.

Table of Contents

FOREWORD	I
PREFACE	II
ACKNOWLEDGEMENTS	III
EXECUTIVE SUMMARY	IV
LIST OF TABLES	VIII
DEFINITION OF TERMS	XI
CHAPTER ONE: INTRODUCTION	1
1.0 Overview	1
1.1 Background	1
1.2 Consumer Protection Context	1
1.2.1 Consumer Protection Internationally	1
1.2.2 Consumer Protection Regionally	2
1.3 Policy Goal	4
1.4 Policy Objectives	4
1.5 Guiding Principles	4
1.6 Rationale	5
1.7 Scope of the National Consumer Protection Policy	5
1.8 Structure of the National Consumer Protection Policy	6
CHAPTER TWO: SITUATION ANALYSIS	7
2.0 Overview	7
2.1 Legislative Framework Constraints	7
2.2 Policy Framework Constraints	8
2.3 Institutional Capacity Constraints	10
2.4 Product Safety and Liability	11
2.5 Product Standards, Warranties and Aftercare	12
2.6 Packaging, Marketing and Advertising	12

2.7	Consumer Rights Awareness	13
2.8	Consumer Protection Redress Mechanisms.....	13
2.9	The Environment and Sustainable Consumption	14
2.10	Protection of Vulnerable Groups.....	14
CHAPTER THREE: POLICY STATEMENTS.....		16
3.0	Overview.....	16
3.1	Legislative, Policy and Institutional Frameworks.....	16
3.2	Product Safety and Liability.....	16
3.3	Product Standards, Warranties and Aftercare.....	17
3.4	Consumer Rights Awareness	17
3.5	Consumer Protection Redress Mechanisms.....	18
3.6	Packaging, Marketing and Advertising	19
3.7	The Environment and Sustainable Consumption	19
3.8	Protection of Vulnerable Groups.....	20
CHAPTER FOUR: POLICY IMPLEMENTATION AND COORDINATION		21
4.0	Overview.....	21
4.1	Policy Implementation and Coordination.....	21
4.2	Key Actors to support Consumer Protection	22
4.2.1	National Government	22
4.2.2	Parliament	22
4.2.3	The Judiciary	22
4.2.4	Council of Governors.....	23
4.2.5	County Governments.....	23
4.2.6	Private Sector and Business Membership Organizations.....	23
4.2.7	Development Partners	23
4.2.8	Consumers	24
4.2.9	Accredited Consumer Organizations.....	24
4.2.10	Academia/Research Institutions.....	24
4.2.11	The Media	24
4.2.12	International and Regional Organizations.....	24
4.3	Resource Mobilization	24
CHAPTER FIVE: POLICY MONITORING & EVALUATION, REPORTING AND LEARNING		25
5.0	Overview.....	25
5.1	Monitoring and Evaluation of the Policy	25

5.2	Reporting	26
5.2.1	Reporting Framework	26
5.2.2	Institutional Reporting Obligations	26
5.2.3	Learning.....	26
CHAPTER SIX: POLICY REVIEW		27
6.0	Overview.....	27
6.1	Review Cycle	27
6.2	Stakeholder Engagement	27
6.3	Inter-Agency Coordination	27
ANNEXURES		28
ANNEX I: POLICY DEVELOPMENT ROADMAP		28
ANNEX II: POLICY IMPLEMENTATION MATRIX		29
ANNEX III: POLICY MONITORING AND EVALUATION MATRIX		31
ANNEX IV: REFERENCES		32

LIST OF TABLES

Table 1. Summary of the Main Constitutional Articles that have Implications for Consumer Protection.3

DRAFT

ACRONYMS AND ABBREVIATIONS

ADB	African Development Bank
ADR	Alternative Dispute Resolution
AI	Artificial Intelligence
AMA	African Medicines Agency
ASTGS	Agricultural Sector Transformation and Growth Strategy
AU	African Union
BETA	Bottom-Up Economic Transformation Agenda
CA	Communication Authority
CAK	Competition Authority of Kenya
CBK	Central Bank of Kenya
CCC	COMESA Competition Commission
CIPESA	Collaboration on International ICT Policy for East and Southern Africa
CMA	Capital Market Authority
COFEK	Consumers Federation of Kenya
COK	Constitution of Kenya
COMESA	Common Market for Eastern and Southern Africa
CPA	Consumer Protection Act
CSOs	Civil Society Organization
DFS	Digital Financial Service
DVA	Digital Virtual Assets
EAC	East African Community
EPRA	Energy and Petroleum Regulatory Authority
ERC	Energy Regulatory Commission
EU	European Union
FAO	Food and Agriculture Organization
FCPOI	Financial Consumer Protection Outcome Index
GATS	General Agreement on Trade in Services
GATT	General Agreement on Trade and Tariffs
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft Für Internationale Zusammenarbeit
GSMA	Global System for Mobile communications
ICPEN	International Consumer Protection and Enforcement Network
ICT	Information, Communication and Technology
IoT	Internet of Things
IRA	Insurance Regulatory Authority
ISO	International Organization for Standardization
KEBS	Kenya Bureau of Standards
KE-CIRT/CC	Kenya National Computer Incident Response Team/Coordination Center
KECOPAC	Kenya Consumers Protection Advisory Committee
KENAS	Kenya Accreditation Services
KEPHIS	Kenya Plant Health Inspectorate Service
KICA	Kenya Information and Communications Act
KICTANET	Kenya ICT Action Network
M&E	Monitoring and Evaluation
MDAS	Ministries, Departments and Agencies
NFT	Non-Fungible Tokens
MSMEs	Micro, Small and Medium Enterprises
MTP IV	Fourth Medium Term Plan
NBA	National Biosafety Authority
NCA	National Construction Authority

NCPP	National Consumer Protection Policy
NEMA	National Environment Management Authority
NGO	Non-governmental Organizations
ODPC	Office of the Data Protection Commissioner
ODR	Online Dispute Resolution
OECD	Organization for Economic Co-Operation and Development
PWDs	Persons With Disabilities
RBA	Retirement Benefits Authority
RECs	Regional Economic Communities
SACCO	Savings and Credit Cooperative Organization
SADC	Southern African Development Community
SASRA	Sacco Societies Regulatory Authority
SDGs	Sustainable Development Goals
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
UNCTAD	United Nations Trade and Development
UNEP	United Nations Environment Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UNGCP	United Nations Guidelines for Consumer Protection
WHO	World Health Organization
WTO	World Trade Organization

DEFINITION OF TERMS

Advertise: refers to any form of communication, whether direct or indirect, paid or unpaid, disseminated to the public through any medium or platform, that is intended to promote the sale, use, or consumption of goods, services, or ideas. Includes—

- a. providing, by print, publication, broadcast, telecommunication, social media post or distribution by any means, information for the purpose of promoting the use of a product or service;
- b. providing a link in a website for the purpose of promoting the use of a product or service, but does not include a link generated as the result of a search carried out by means of an internet search engine; and
- c. entering into a sponsorship relationship through financial, in-kind, and promotional sponsorships such as influencer sponsorships, brand partnerships or endorsements for the purpose of promoting the use of a product or service.

AI algorithms: refers to sets of rules or step-by-step instructions for solving problems, learning and adaptive, and performing tasks that form the fundamental building blocks of all computational processes.

AI marketing: means—

- a. the use of artificial intelligence and machine learning techniques to improve marketing strategies, automate tasks, and gain insights into customer behaviour; and/or
- b. leveraging data science and analysis to personalize customer experiences, optimize marketing campaigns with the aim of ultimately driving better results for businesses.

Artificial Intelligence: refers to a collection of emerging technologies that leverage machine learning, data processing, and algorithmic systems to perform tasks that typically require human intelligence. It encompasses a range of capabilities, including automated decision-making, language processing, and computer vision.

Consumer: means—

- a. A person to whom particular goods or services, including digital content, digital products, or digital services, are marketed in the ordinary course of the supplier's business;
- b. A person who has entered into a transaction with a supplier in the ordinary course of the supplier's business, whether for monetary consideration or where personal data is provided as consideration for such goods or services;
- c. A user of particular goods or a recipient or beneficiary of particular services, including digital content, digital products, or digital services, irrespective of whether that user, recipient or beneficiary was a party to a transaction concerning the supply of those particular goods or services, or provided monetary payment or personal data for them;
- d. An individual whose personal data is collected, processed, or utilized by a supplier in the course of its business for the provision or personalization of goods, services, or content, or through the operation of an AI system;
- e. An individual interacting with or significantly affected by an AI system deployed by a supplier in the ordinary course of its business; and
- f. A franchisee in terms of a franchise agreement.

Consumer dispute: refers to a disagreement or conflict between a consumer and a business or service provider regarding a product or service arising for various reasons, such as issues with the quality of a product, dissatisfaction with a service, billing problems, delivery delays, or other related concerns.

Consumer protection: is the practice of safeguarding buyers of goods and services against unfair practices in the market place.

Cybersecurity: means preservation of confidentiality, integrity and availability of information and/or information systems through the cyber medium. In addition, other properties, such as authenticity, accountability, non-repudiation and reliability can also be involved.

Data privacy: A derivative of the fundamental constitutional right to privacy. It is an individual's right to control personal information, including how it is collected, used, stored, and shared.

Digital economy: means all economic activity reliant on, or significantly enhanced by the use of digital inputs, including digital technologies, digital infrastructure, digital services, and data; it refers to all producers and consumers, including government, that are utilizing these digital inputs in their economic activities.

Digital financial services: refers to the delivery of financial services and products through digital channels, including mobile money, online banking, digital lending, insurtech, and other fintech innovations.

Digital trade: refers to trade in goods or services conducted via digital technologies.

Digitalization: refers in a broad way to the transformation brought about by the widespread adoption of digital technologies such as robotics, machine learning, sensors, virtual reality.

E-commerce: encompasses the sale or purchase of goods, services, or digital content conducted through electronic means, primarily over computer networks and mobile platforms. This includes transactions facilitated through dedicated e-commerce websites, mobile applications, social media platforms (social commerce), and any other digital channels designed for the purpose of receiving or placing orders, conducting payments, and enabling the delivery of tangible or intangible products.

Gig platforms: are online marketplaces that connect freelance workers with clients seeking specific services

Influencer: refers to a person with large or highly engaged social media platform followings and uses these platforms to promote lifestyle choices, commercial products and services to their followers.

Influencer marketing: refers to a digital advertising strategy that involves partnerships with individuals (influencers) who have a significant online following and influence to promote a brand or product. These influencers leverage their audience's trust and engagement to boost brand awareness and generate leads.

Online dispute resolution: refers to the use of electronic communications and other information and communication technology to present and resolve disputes between consumers and businesses.

Standardization: refers to the activity of establishing with regard to actual or potential problems, provisions for common and repeated use aimed at achievement of optimum degree of order in a given context.

The Agency: Apex consumer protection body proposed in the NCPP which will oversee, coordinate, advise, conduct research, and promote consumer education.

Unfair practices: refers to actions, behaviours, or strategies that are considered dishonest, deceptive, or unethical in various contexts, such as business, commerce or competition, including the use of dark patterns in user interfaces, algorithmic discrimination, undisclosed AI-driven manipulation, and the creation or propagation of harmful disinformation targeting consumers.

Vulnerable groups: include- groups of persons who are marginalised based on the grounds of:

- a. Disability status;
- b. Education and knowledge;
- c. Poverty;
- d. Age; and
- e. Gender.

CHAPTER ONE: INTRODUCTION

1.0 Overview

This Chapter provides for the context of consumer protection as well as the goals, objectives, guiding principles, and the rationale for the Consumer Protection Policy.

1.1 Background

Consumer protection is the practice of safeguarding the rights of the public and purchasers of goods and services, against unfair practices. Consumer protection measures are established by policies, laws and regulations to ensure that consumer rights are safeguarded. Common aspects of consumer protection include accurate product labelling, fair pricing, the right to access information, allowing consumers to make informed choices and the provision of redress mechanisms.

While Kenya's trade liberalization and regional integration through entities like the World Trade Organization, (WTO), African Union (AU), Common Market for Eastern and Southern Africa (COMESA), East African Community (EAC), and Inter Governmental Authority on Development (IGAD) have expanded access to goods and services, they have also introduced risks such as unfair practices, substandard products, and inadequate service delivery. The digital economy and the increasing deployment of AI further presents emerging challenges, including data privacy breaches, cyber threats, algorithmic bias, lack of transparency in automated decision-making, online scams, and digital fraud. To address these issues, the government and its partners embarked on the formulation of this National Consumer Protection Policy pursuant to Article 46 of the Constitution of Kenya, 2010, and the Consumer Protection Act, Cap. 501. It aims to promote and advance the social and economic welfare of consumers in Kenya by ensuring a fair, accessible, efficient, sustainable, and responsible consumer market, both offline and online, and in interactions with AI-driven services. Moreover, owing to the fragmentation of the existing legal framework and ineffective enforcement mechanisms, this Policy emphasizes the need for strengthened regulatory safeguards and alignment with international and regional governance frameworks.

1.2 Consumer Protection Context

Consumer protection is essential for fostering fair and safe marketplaces, benefiting individuals and economies at international, regional, and domestic levels. Globally, it promotes fair trade, product safety, and accurate information, enabling consumers to make informed choices and fostering trust in markets, which in turn encourages cross-border trade and economic growth. International collaboration among consumer protection agencies helps address challenges posed by globalization and digital trade. In Africa, consumer protection is crucial for building trust in markets, especially as digital economies expand. Ensuring consumers are safeguarded against unfair practices and have access to quality products and services, supports economic development and regional integration. Efforts to harmonize consumer protection policies across African nations enhances cross-border trade and consumer confidence. In Kenya, consumer protection ensures that individuals receive goods and services of reasonable quality, have access to necessary information, and are safeguarded against harmful practices. This not only upholds individual rights but also contributes to a fair and efficient marketplace, promoting economic growth and consumer well-being.

1.2.1 Consumer Protection Internationally

Consumer protection in the international context is shaped by various guidelines, trade frameworks, global trends, and institutional mechanisms. At the core are the United Nations Guidelines for Consumer Protection (UNGCP), which provide universally recognized principles for national consumer laws, in areas like e-commerce, financial services, and cross-border redress. While the WTO does not directly regulate consumer protection, its agreements permit member states to enact consumer safety measures and its ongoing e-commerce negotiations include provisions against online fraud. Globally, the digital economy has created both opportunities and new risks, such as unsafe products on online marketplaces, limited cross-border redress, rising data privacy concerns, and opaque AI algorithms affecting pricing and service delivery. These include risks associated with automated decision-making, algorithmic discrimination, and the spread of misinformation. These trends demand stronger international cooperation, transparent platforms, clear accountability frameworks for AI systems, and harmonized legal standards. International organizations play key roles in this space. United Nations Trade and Development (UNCTAD) oversees the United Nations Guidelines for Consumer Protection (UNGCP) and supports consumer law development in developing countries; the OECD issues policy recommendations on e-commerce, product safety, algorithmic fairness and transparency; ISO develops technical standards like product recall procedures and safe e-commerce design; and

networks like ICPEN and Consumers International facilitate enforcement collaboration and civil society advocacy. Together, these efforts reflect a growing international consensus that effective consumer protection must be grounded in fairness, safety, and transparency which is essential for sustainable digital and global market development.

1.2.2 Consumer Protection Regionally

1.2.2.1 The African Union

Consumer protection in the African Union is increasingly anchored in continent-wide legal frameworks and coordinated institutional action, spanning both traditional goods and services and the digital marketplace. The African Continental Free Trade Area (AfCFTA) now includes Protocols on Digital Trade and on Competition Policy. These Protocols aim to harmonize regulations on e-commerce, data governance, and fair competition, including commitments for State Parties to cooperate in enforcing consumer protection laws. These initiatives align with the African Union's Digital Transformation Strategy (2020–2030) and its Data Policy Framework (2022), which emphasize building a secure African digital single market while safeguarding consumers through strong data protection, online safety measures, and advanced consumer protection in digital trade and financial services. The AU's institutional architecture underpins this coherent approach. For instance, the African Union Commission and AfCFTA Secretariat lead policy development and implementation at the continental level, the African Organisation for Standardisation (ARSO) harmonizes product standards to improve quality and safety across member states, and the African Medicines Agency (AMA) is strengthening the regulatory oversight of medicines to ensure access to safe, efficacious medical products for African consumers. Together, these frameworks and institutions reflect a strategic, unified effort by the AU to protect consumer welfare across Africa's integrated markets.

1.2.2.2 The Common Market for Eastern and Southern Africa (COMESA)

Consumer protection within the Common Market for Eastern and Southern Africa (COMESA) is a multifaceted endeavor, guided by various legal instruments and strategic frameworks. In COMESA, consumer protection is anchored in regional legal instruments such as the COMESA Competition Regulations of 2004. This binding framework for all member states dedicates an entire part to consumer protection, addressing issues from false or misleading representations to product safety standards and liability for defective goods. The COMESA Competition Commission (CCC) serves as the key regional institution for enforcement of these rules, with authority to monitor compliance, investigate cross-border complaints, and impose remedies for violations. The Commission works in tandem with national consumer protection agencies and can conduct joint investigations on cross-border matters, tackling unfair practices like deceptive marketing or the distribution of unsafe products that affect consumers in multiple member states. Through this integrated framework, consumer protection is promoted as a core aspect of COMESA's regional integration agenda, ensuring harmonized standards and cooperative enforcement mechanisms that safeguard consumers across member states.

1.2.2.3 The East African Community (EAC)

Consumer protection within the East African Community (EAC) is underpinned by a comprehensive framework of legal instruments, policies, and institutions designed to uphold consumer rights and promote fair trade practices. The EAC's founding instruments already enshrine core consumer safeguards in both traditional and digital markets. The Treaty for the Establishment of EAC highlights consumer protection and the safety of life and property as objectives of common standards and trade liberalization. The 2009 Common Market Protocol at Article 36 explicitly obliges Partner States to promote the interests of consumers by measures that ensure the protection of life, health and safety of consumers, and by fostering fair and effective competition to give consumers greater choice at lower cost. Similarly, the EAC Competition Act (2006) is premised on promoting fair competition for consumer welfare, including guarantees that consumers have access to goods and services at competitive prices and better quality. The Act's dedicated consumer welfare chapter (Part VIII) expressly bans false or misleading marketing and unfair or unconscionable conduct towards buyers, and it empowers authorities to publish lists of dangerous goods and enforce product-safety standards including mandatory recalls.

In the digital realm, the EAC has moved to build regional data and consumer-rights frameworks. A harmonized framework for cyberlaws adopted in 2010 with the support of UNCTAD, explicitly identified data protection, privacy, consumer protection and online security as pillars of e-government and e-commerce laws. Likewise, the EAC's e-Commerce Strategy (2022) and evolving Digital Transformation Strategy underscore the need for robust digital regulations – from cyber-security and cross-border payment systems to ICT rules and data governance – to

build trust in online trade. Together, these instruments extend traditional consumer safeguards into the digital age. They seek to protect East African consumers from unsafe or deceptive products and unfair market practices, while also addressing emerging concerns like data privacy, secure cross-border data flows and transparent online transactions under a unified regional framework.

1.2.2.4 The Intergovernmental Authority on Development (IGAD)

Consumer protection in IGAD is addressed as a cross-cutting element of its regional integration policies, rather than through a standalone regime. The Intergovernmental Authority on Development has developed frameworks that embed consumer safeguards into broader economic initiatives, notably the IGAD Regional Trade Policy (2022–2026), which highlights consumer protection and fair competition as key regulatory objectives in opening regional markets. While IGAD has not promulgated a dedicated consumer protection protocol, its institutions such as the IGAD Secretariat actively coordinate and promote consumer-related initiatives. The Secretariat convenes member states and partners to harmonize relevant laws and standards, exemplified by capacity-building workshops on sectoral consumer rights. IGAD is also steering efforts to integrate the digital economy with consumer interests in mind, under the Eastern Africa Regional Digital Integration Project, it is helping align e-commerce and online consumer protection rules across the region through covering issues like data privacy, e-signatures and the liability of online intermediaries. Similarly, IGAD member states have endorsed a regional remittances harmonization roadmap that includes common consumer protection and data standards, to be implemented under IGAD’s coordination. Through these mechanisms, IGAD links consumer protection with its trade facilitation, digital market integration and cross-border policy agendas, acknowledging that safeguarding consumers is essential for an inclusive and trust-driven regional market.

1.2.2.5 Consumer Protection in Kenya

The Constitution of Kenya 2010 provides for consumer protection matters which includes; rights to quality goods and services, necessary information, health, safety, economic interests, and compensation for defects. It tasks parliament with legislating law to provide for consumer protection and for fair, honest and decent advertising. The Constitution requires state organs and public officers to respect, protect, and fulfill constitutional rights, address vulnerable groups' needs, and domesticate relevant provisions of international treaties Kenya has ratified. The consumer protection sector is obligated to implement principles enshrined in Articles 10 and 232, as well as establish a framework for their implementation. Table 1 summarises the main constitutional articles that have implications for consumer protection.

Table 1. Summary of the Main Constitutional Articles that have Implications for Consumer Protection.

ARTICLE	CONTENT
20	<ol style="list-style-type: none"> 1) The Bill of Rights applies to all law and binds all State organs and all persons. 2) Every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom.
21	Duty of the State and State organs to observe, respect, protect, promote and fulfil the rights and fundamental freedoms in the Bill of Rights, including addressing the needs of vulnerable groups within society and the international obligations regarding those rights.
46	<ol style="list-style-type: none"> 1) Consumers have the right to <ol style="list-style-type: none"> a) to goods and services of reasonable quality; b) to the information necessary for them to gain full benefit from goods and services; c) to the protection of their health, safety, and economic interests; and d) to compensation for loss or injury arising from defects in goods or services. 2) Parliament shall enact legislation to provide for consumer protection and for fair, honest and decent advertising. 3) This Article applies to goods and services offered by public entities or private persons.
53 (1) (c)	Every child has the right to basic nutrition...
54 (1) (c) &	A person with any disability is entitled to reasonable access to all places, public transport and information;

54 (1) (e)	A person with any disability is entitled to access materials and devices to overcome constraints arising from the person's disability.
56 (a)	The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups participate and are represented in governance and other spheres of life.
Fourth Schedule	<p>National government functions: Part I (14) - Consumer protection, including standards for social security and professional pension plans.</p> <p>County governments functions: Part II (7) - Trade development and regulation, including—</p> <ul style="list-style-type: none"> a) Markets; c) fair trading practices;

Source: Constitution of Kenya 2010

The Consumer Protection Act, Cap. 501, serves as Kenya's primary legal framework for enforcing consumer rights, defining supplier responsibilities, and providing redress mechanisms. While numerous sectoral laws exist, they primarily regulate industry conduct and only indirectly support consumer protection. The Ministry responsible coordinates national consumer protection through bodies such as the KECOPAC and the Weights and Measures Department. Enforcement is carried out by agencies that include Kenya Bureau of Standards (KEBS), Communication Authority (CA), Energy and Petroleum Regulatory Authority (EPRA), and other sector regulators which oversee consumer safety, rights, and product standards within their respective domains.

1.3 Policy Goal

The primary goal of the National Consumer Protection Policy is to protect consumers by ensuring that products and services procured are safe, standardized, meet consumer expectations and under fair contract terms and without misleading market information.

1.4 Policy Objectives

1.4.1 Main Objective

The main objective of this Policy is to safeguard the interest and wellbeing of consumers.

1.4.2 Specific Objectives

The following are the specific objectives of the Policy:

- i. To develop a legal framework for the achievement and maintenance of a consumer market that is fair, accessible, efficient, sustainable and responsible for the benefit of consumers generally.
- ii. To protect consumers from all forms and means of unconscionable, unfair, unreasonable, unjust or otherwise improper trade practices including deceptive, misleading, unfair or fraudulent conduct.
- iii. To improve consumer awareness and information and encouraging responsible and informed consumer choice and behavior.
- iv. To provide for an accessible, consistent, harmonized, effective and efficient system of redress for consumers.
- v. To provide coordination mechanism over all MDAs handling consumer protection matters.
- vi. To empower Kenyan consumers to assert their rights in the marketplace.
- vii. To promote consumers responsiveness in both public and private sectors of the economy.
- viii. To harmonize and streamline the regulatory and institutional environment.

1.5 Guiding Principles

The objectives of this Policy will be achieved through the following guiding consumer protection principles:

- i. Access by consumer to essential goods and services of reasonable quality.

- ii. The protection of all consumers from hazards to their health and safety.
- iii. The promotion and protection of the economic interests of the consumers.
- iv. Access by consumers to adequate information to enable them to make informed choices according to individual wishes and needs.
- v. Consumer education, including education on environmental, social and economic consequences of consumer choices.
- vi. Availability of effective consumer disputes resolution and redress.
- vii. Freedom to form consumer and other relevant groups or organizations and the opportunity of such organizations to present their views in decision- making processes affecting them.
- viii. Protection of consumers in digital trade and e-commerce, including transparency and explainability in automated systems and non-discrimination and fairness in algorithmic systems.
- ix. Accountability for digital services and AI - Providers and deployers of digital services and AI systems shall be accountable for their impact on consumers, with clear mechanisms for redress when harm occurs.
- x. The protection of consumer privacy and the global free flow of information.

1.6 Rationale

The rationale for establishing a comprehensive Consumer Protection Policy in Kenya is driven by the need to uphold constitutional consumer rights, address market failures, and promote a fair and transparent economy. The Constitution of Kenya 2010 outlines the rights of consumers and obligates parliament to develop the requisite legal framework. The Consumer Protection Act, Cap. 501(CPA) was enacted in 2012. However, this Act was not preceded by a national policy.

The country has various sectoral laws and policies addressing different aspects of consumer protection. These laws and policies are scattered in various Ministries and Agencies and operate independently with minimum inter-agency collaboration. While numerous sectoral laws and policies exist, they primarily regulate industry conducts and only indirectly support consumer protection.

Contemporary policy frameworks, including Vision 2030, CPA highlight consumer protection, particularly product safety, as essential to sustainable development. BETA identifies weak consumer safeguards as a structural issue and proposes a unified oversight body to regulate key sectors in consumer protection. Persistent challenges such as low consumer awareness, weak redress systems, enforcement gaps, and the unregulated informal sector reveal the inadequacy of current frameworks.

Kenya trade regime was liberalized in 1995. This liberalization in turn increased consumer vulnerability and necessitating regulatory safeguards. Emerging risks in digital trade such as cyber fraud, privacy breaches, opaque algorithmic decision-making, the potential for AI-driven manipulation, and data insecurity further amplify the need for a robust, cross-sectoral policy response.

This Policy therefore, seeks to anchor the Consumer Protection Act, develop a co-ordination framework on matters of consumer protection and address emerging consumer protections risks. It further seeks to enhance regulatory enforcement, promote consumer education, and create a culture of fairness and accountability thus ultimately reinforcing consumer rights and trust in Kenya's evolving economy.

1.7 Scope of the National Consumer Protection Policy

The National Consumer Protection Policy has been developed primarily for use by all actors in the consumer protection ecosystem. This includes the Ministries, Departments, and Agencies (MDAs), County Governments, consumer rights organizations, the judiciary, legislature, independent regulatory bodies, development partners, private sector actors, academia, civil society organizations, international and regional organizations engaged in consumer protection. It is designed to guide the formulation and coordination of laws, institutional structures, and practices that promote consumer welfare and address unfair trade practices across all sectors of the economy.

This Policy applies to all areas of consumer transactions, including but not limited to goods, services, digital trade, digital content, digital financial services, AI-driven services, and other emerging markets. It is relevant across both

public and private sector interactions with consumers and includes formal, informal, regulated, and unregulated markets.

Additionally, the Policy focuses on critical sectors of the economy including; food, manufactured products, financial services, digital economy, transport and logistics, building and construction, energy, environment and service sectors.

1.8 Structure of the National Consumer Protection Policy

The National Consumer Protection Policy (NCPP) is structured into six chapters, in chapter one sets out the policy's context, goals, objectives and guiding framework including the constitutional and legal mandates, scope and principles for consumer protection. Chapter two provides a situational analysis by surveying the current consumer market and institutional landscape through reviewing constitutional and legal provisions, policy and institutional frameworks, and identifying key gaps and challenges affecting consumers.

Chapter three presents the core policy interventions and measures, organized by thematic areas to address the issues identified in the situational analysis. Chapter four on implementation and coordination lays out the mechanisms, specifying the roles and responsibilities of all key actors; national and county governments, parliament, the judiciary, regulators, the private sector, consumer organizations, amongst others and the institutional arrangements needed to execute the policy. Chapter five establishes the monitoring and evaluation as well as the reporting framework for the NCPP, defining processes, indicators and stakeholder feedback mechanisms to track progress and adapt the policy as needed.

Chapter six provides the policy review cycle to ensure the policy stays current with new challenges and standards. Finally, annexes provide supplementary tools such as a development roadmap and implementation as well as monitoring and evaluation matrices.

DRAFT

CHAPTER TWO: SITUATION ANALYSIS

2.0 Overview

This chapter undertakes a situational analysis to identify the prevailing gaps and opportunities in consumer protection in Kenya. It examines the factors that adversely affect consumers and hinder the effective enforcement of their rights. The analysis encompasses levels of consumer awareness and confidence; the existing policy, legal, and institutional frameworks in consumer protection, and critical issues such as redress mechanisms, product safety and standards, marketing and advertising practices, sustainable consumption, and the protection of vulnerable consumer groups. The chapter observes the need for a robust, effective, efficient, and coordinated framework, institutionalized through a dedicated agency, to enhance and address consumer protection regulatory, marketplace and user needs in Kenya

2.1 Legislative Framework Constraints

Kenya's consumer protection landscape is governed by a multifaceted legal and regulatory framework, with sector-specific laws covering diverse industries such as food, financial services, digital economy, transport, energy, and tourism. However, the practical application of these laws to safeguard consumer rights effectively has encountered significant challenges across both traditional and digital markets. Consumers in Kenya continue to frequently experience unfair trade practices, substandard services, and unsafe products due to persistent enforcement deficiencies across these sectors.

While the Consumer Protection Act of 2012, Cap. 501¹ provides a foundational basis, it was primarily designed for traditional commerce and does not adequately address many contemporary issues arising from the digital economy. Crucial aspects such as the definition and regulation of electronic goods (downloads, software-as-a-service, data as a product), algorithmic transparency, fairness in AI-driven personalization, online advertising, and digital contract cancellations with cooling-off periods are not explicitly covered. This legislative lag is also evident in the context of online intermediaries' liability, digital asset regulation, and consumer rights concerning AI-generated content and automated decision-making.

The current framework also suffers from overlapping mandates and jurisdictional ambiguities, complicating redress for consumers. For instance, a complaint regarding a telecommunications service might fall under the purview of Communications Authority of Kenya under service guidelines² or under the Consumer Protection Act 2012, with no single clear avenue or resolution pathway. In some utility sectors, consumer safeguards are relegated to secondary regulations or draft guidelines, further weakening their enforcement. The absence of a dedicated national consumer protection agency, further compounds these issues, with Kenya relying on a combination of sector regulators, tribunals, and courts to enforce consumer rights.

In the digital space, despite the Kenya Information and Communications (Consumer Protection) Regulations, 2010³, and efforts towards e-commerce guidelines, a unified e-commerce consumer protection statute is notably absent. While the Data Protection Act 2012 addresses online privacy and data security, its enforcement is still in its nascent stages. UNCTAD's 2024 report on Kenya's e-commerce strategy underscores persistent challenges, including gaps in legal dispute resolution mechanisms and law enforcement⁴. Consequently, critical e-commerce issues such as withdrawal rights for online purchases, seller insolvency in e-marketplaces, platform accountability for third-party failures, protection against dark patterns, and redress for harm from biased algorithms remain largely unaddressed.

Financial consumer protection is predominantly sector-driven, with regulators like the Central Bank of Kenya (CBK) issuing codes and guidelines⁵ that are not derived from the overarching Consumer Protection Act, Cap 501. This

¹ Republic of Kenya (2012) *The Consumer Protection Act, 2012, Kenya Gazette Supplement*. Available at: <http://www.parliament.go.ke/sites/default/files/2017-06/ConsumerProtectionActNo46of2012.pdf>.

² Kenya Information and Communications (2022) *Consumer protection guidelines and customer care standards for ICT in Kenya*. Available at: <https://www.ca.go.ke/sites/default/files/2023-06/Consumer-Protection-Guidelines-and-Customer-Care-Standards.pdf>.

³ Minister, F.I. and C. and Communications Commission of Kenya (2010) *The Kenya Information and Communications (Consumer Protection) Regulations, 2010*. Available at: <https://www.ca.go.ke/sites/default/files/2023-06/Consumer-Protection-Regulations-2010-1.pdf>.

⁴ United Nations, Sirimanne, S.N. and Fredriksson, T. (2023) *E-commerce and Digital Economy Programme Year in Review 2023, E-commerce and Digital Economy Programme*. Available at: https://unctad.org/system/files/official-document/dtledcdeinf2024d1summary_en.pdf.

⁵ Central Bank of Kenya (2013) *CBK Prudential Guidelines 2013 Guidelines on Consumer Protection*. Available at: https://www.costofcredit.co.ke/downloads/Centra_%20Bank_of_Kenya_Consumer%20_Protection.pdf.

results in a fragmented system where agencies rely on general fair-dealing duties rather than a single, comprehensive financial consumer protection framework. While the Consumer Protection Act 2012 covers credit agreements, its integration with specialized laws like the Banking Act and Microfinance Act is not seamless, leaving financial consumers with a fragmented legislative framework that falls short of OECD-recommended standards⁶.

Although sectors like energy and water have enshrined consumer rights in laws such as the Energy Act's compensation scheme for power outages and the Water Act's statutory objective of consumer protection, full implementation is hampered by delays in subsidiary legislation and insufficient enforcement capacity⁷. There is a clear and urgent need to assess and update this legislative framework to address existing consumer protection gaps and ambiguities, ensuring it is fit-for-purpose in the contemporary and evolving marketplace.

2.2 Policy Framework Constraints

Kenya has established various sector-specific policy frameworks aimed at safeguarding consumer rights, envisioning access to quality goods and services, protection from health and safety hazards, and the ability for consumers to make informed choices. These policies also emphasize consumer education, dispute resolution, and the protection of consumer rights in the digital age, with special attention to vulnerable groups. However, the efficacy of these policies is often undermined by fragmentation and enforcement challenges.

In the food sector, the National Food Safety Policy, 2013, acknowledges coordination and enforcement weaknesses, noting that multi-sectoral oversight is hampered by inadequate agency coordination, leading to recurring food hazards. While the Competition Authority's 2021–2025 strategic plans⁸ emphasize policing the food market, resource constraints and fragmented mandates mean consumers continue to face risks like adulterated or unsafe food products. Proposed policy revisions aim to harmonize rules, but current enforcement and rapid response capabilities remain inadequate.

Similarly, manufactured non-food products suffer from enforcement gaps despite existing standards. Trade and industry strategies call for stricter quality assurance, and bodies like the Kenya Bureau of Standards (KEBS) have increased market surveillance, however, substandard and counterfeit products persist, particularly from informal manufacturers. The policy response has been piecemeal, with widespread enforcement across Kenya's fragmented manufacturing sector remaining weak due to limited enforcement capacity and inconsistent application of penalties.

Financial services policies acknowledge consumer risks, especially in digital finance. The Central Bank's National Payments Strategy 2022–2025⁹ highlights the need to protect vulnerable Kenyans and strengthen oversight of fintechs. A comprehensive consumer protection framework for digital payments is envisioned to set minimum standards. However, the absence of a codified financial-consumer-protection law means many issues, such as opaque fees and exploitation by digital lenders, are only cursorily addressed. Kenya lacks an integrated policy regime holding all financial providers accountable to a unified set of consumer rights standards, with enforcement remaining largely reactive.

The digital economy also faces significant legal and trust deficits, compounded by the rapid evolution of AI for which specific consumer protection policies are largely absent. The National E-Commerce Strategy, 2023, explicitly states that the Consumer Protection Act needs amendment to address e-commerce and AI-driven services and notes unresolved ambiguities in the Data Protection Act regarding consent and data use for AI¹⁰. While the strategy calls for international best practices, it acknowledges weak enforcement capacity. Current policies inadequately shield users from online fraud, misinformation, algorithmic manipulation, and data abuse, leaving consumers primarily protected by broad constitutional rights rather than robust, enforceable policies.

⁶ *Regulation and supervision of microfinance institutions in Kenya* (2005). Microfinance Regulation and Supervision Resource Center. Available at: <https://www.findevgateway.org/sites/default/files/publications/files/mfg-en-paper-regulation-and-supervision-of-microfinance-institutions-in-kenya-mar-2005.pdf>.

⁷ Ominde, Daniel, A Critique of the Water Act 2016: Towards a Human Rights-Based Approach to the Provision of Water Services in Kenya (November 15, 2019). Available at SSRN: <https://ssrn.com/abstract=3838040>

⁸ Board Members (2021) *Strategic Plan (2021/2022 – 2024/2025)*, *Strategic Plan (2021/2022 – 2024/2025)*. report. Available at: https://www.cak.go.ke/sites/default/files/CAK_STRATEGIC_PLAN.pdf.

⁹ Central Bank of Kenya (2022). *National-Payments-Strategy-2022-2025*. Available at: <https://www.centralbank.go.ke/wp-content/uploads/2022/02/National-Payments-Strategy-2022-2025.pdf>

¹⁰ Communications Authority of Kenya (2023). *National-E-Commerce-Strategy-2023*. Available at: <https://www.ca.go.ke/sites/default/files/CA/E-Commerce%20Strategy/National%20E-Commerce%20Strategy%20%202023.pdf>

Policy gaps also affect consumer welfare in the transport and logistics sector, with challenges including the lack of a national addressing system, poor rural roads, and weak oversight of courier operators, leading to delivery issues and high costs. Many courier services, especially those using public service vehicles and motorcycles, remain unregulated. While master plans aim to upgrade infrastructure, consumer-focused issues like safety and affordable delivery are not fully resolved, and enforcement of emerging digital and logistics standards is lagging.

In building and construction, national policy documents signpost systemic vulnerabilities as well. The Competition Authority's strategy specifically identifies high construction costs driven by professional fees – and commits to issuing remuneration orders to cut these fees and reduce housing costs. This acknowledges a policy gap in professional services which were largely unregulated in pricing, inflating prices of construction. Beyond costs, the broader building sector suffers from fragmented oversight. In Kenya's policies such as Sessional Papers on housing and urban development underscore the goal of affordable, quality housing, but enforcement of building codes remain weak. Sector performance reviews have noted that many structures are built without proper inspection, due to understaffed regulators and other impropriety conduct at county building departments. The Ministry of Housing's strategic plans call for stronger quality controls, but repeated building collapses and elevator accidents indicate enforcement shortfalls. Thus, although current policies aim to balance cost and quality, for example by government-supported housing programs, the gap in effective regulation and consumer redress in construction is a recurring policy weakness.

While energy policy prioritizes universal consumer access and reliable supply consumers still face high tariffs, frequent outages due to outdated infrastructure, and limited protection from sudden rate hikes or service lapses, as policies often prioritize technical and investment aspects over specific consumer safeguards like compensation for billing errors.

In the medical sector, despite the Health Policy 2014–2030 committing to protecting consumer health and safety and emphasizing quality and patient-centered care¹¹ substandard care and poor service quality issues persist. Many health facilities continue to fail to adhere to the Patient Rights Charter, often due to capacity issues at the county level with wellness and fitness services remaining largely unregulated from a policy perspective.

Kenya's tourism policy, Sessional Paper No.1 of 2010, aims to develop sustainable, diversified tourism and improve service quality. It explicitly seeks to harmonize related sector policies and boost local participation. Consumer safety is a core consideration – the policy mandates compensation schemes for tourists injured or killed by wildlife or accidents. Infrastructure and safety standards for hotels, parks and transport have improved, but incidents of fraud or substandard services such as overcharging at lodgings, safety of patrons and unlicensed tour operators persist. Recent strategies emphasize visitor security and hospitality training, but regulatory oversight remains fragmented for example between tourism, wildlife and local governments. Entertainment venues likewise fall under general public-safety regulations rather than a dedicated framework. Thus, while policy initiatives recognize tourism's importance and call for high quality standards and consumer safety measures, enforcement is uneven and tourist grievances often go under-reported.

In the education sector, Kenya's national development vision aspires to offer globally competitive quality education, but policy documents admit ongoing skills and quality gaps. The Basic Education Act and Vision 2030 frameworks emphasize standards and accountability, yet implementation has lagged. For instance, there is an ICT skills gap in graduates from higher learning institutions as noted in the e-commerce strategy of 2023. In terms of consumer protection, parents and students rely on accreditation bodies for universities and Technical and Vocational Education Training (TVET) institutes, but poor enforcement has allowed some unaccredited institutions to operate. There is no formal consumer charter for education, so complaints are handled through ad hoc channels, a policy gap that leaves service quality vulnerable.

Trade-related public services have seen initiatives like Huduma Centres, Karibu Biashara Centres, Kentrade portal, Kenya Export Promotion and Branding Agency (KEPROBA) e-portal and e-Citizen Portal all aimed at improving service accessibility. Critically, emerging trade-related digital services like influencer marketing, AI-driven

¹¹ Macharia, J.W., CABINET SECRETARY and Ministry of Health (2014) *Kenya Health Policy 2014–2030*, Ministry of Health. Available at: https://publications.universalhealth2030.org/uploads/kenya_health_policy_2014_to_2030.pdf.

advertising, and AI-powered financial advisory services are largely absent from current consumer protection plans. Professional service industries (law, medicine etc.) governed by statutory bodies, have also reported challenges with consumer protection oversight such as in establishing effective redress and dispute resolution mechanisms. This regulatory vacuum also leaves consumers with virtually no specific recourse for harms caused in these rapidly evolving areas.

There is, therefore, an overarching need for an anchor national policy that establishes an effective and efficient agency framework. This framework should be underpinned by modern legislation, harmonize actions across fragmented institutions, and clearly apportion responsibilities to address the new marketplace realities and ensure a robust consumer protection landscape.

2.3 Institutional Capacity Constraints

A primary obstacle to achieving effective consumer protection in Kenya is the limited institutional capacity of the agencies entrusted with this mandate. These agencies often face constraints related to insufficient staffing, inadequate funding, and a lack of specialized technical expertise. Such limitations hinder their ability to carry out comprehensive consumer rights enforcement, conduct thorough inspections, and respond swiftly to emerging issues. Without adequate resources, these organizations struggle to implement proactive measures or effectively monitor market activities, which compromises their overall effectiveness in safeguarding consumer interests. As a result, many consumer complaints remain unresolved, and compliance with standards and regulations remains inconsistent across different sectors.

Furthermore, these capacity limitations are particularly pronounced at the county level, where enforcement responsibilities are most directly felt. Local authorities and inspectorates are frequently underfunded and understaffed, limiting their ability to adequately oversee areas such as building safety and product compliance. For instance, in many urban centers such as the Nairobi City County, a small number of inspectors are responsible for overseeing a high volume of building applications each month—far beyond what their limited staffing can realistically handle. This situation inevitably leads to gaps in enforcement, increasing the risk of safety hazards, including building collapses. Strengthening institutional capacity across all levels of government is therefore essential to ensure more effective consumer protection and to foster trust in regulatory systems.

Regulators also face increasing challenges in keeping up with the complex and evolving digital landscape, including online fraud, electronic gadgets, and data privacy issues. To address these, they need ongoing technical expertise and advanced equipment, which are essential for swiftly identifying and managing emerging risks. The Central Bank of Kenya has made notable progress by strengthening supervision and creating a dedicated Consumer Protection unit, but the rapid growth of innovative financial products like digital loans underscores the need for further specialization and technological capability. Enhancing regulator skills and tools is vital for closing oversight gaps and effectively safeguarding consumers in this dynamic environment.

Inadequate funding critically undermines enforcement efforts. Budgetary constraints lead to delayed investigations, infrequent market surveillance, and a limited operational presence outside major urban centers. County public health offices responsible for food safety inspections, for example, often operate with minimal resources, resulting in infrequent checks. The Communications Authority of Kenya also grapples with regulating a rapidly evolving ICT sector with limited human and financial resources.

The existing consumer protection regulatory regime is characterized by fragmentation across numerous agencies and laws, leading to overlapping mandates, jurisdictional uncertainties, and gaps that complicate enforcement. In the food sector, no single authority holds sole responsibility for food safety; instead, jurisdiction is shared among at least 11 different agencies and county governments, including KEBS, the Department of Public Health, KEPHIS, and others. This fragmentation can lead to oversight lapses, with responsibilities either duplicated or neglected. Kenya's food safety governance has been described as highly fragmented, necessitating better coordination.

A similar fragmentation exists in the financial sector, where distinct regulators oversee banking, capital markets, insurance, retirement benefits, and SACCOs. This allows dishonest providers to exploit regulatory arbitrage, as seen with digital lenders who operated in a grey area before legislative amendments in 2021, leaving consumers vulnerable. Even with existing mandates, jurisdictional uncertainty persists, though Memoranda of Understanding between the Competition Authority and sector regulators attempt to clarify roles. In the digital economy, consumer

issues may require joint action from multiple bodies like the Communications Authority and the Office of the Data Protection Commissioner, potentially slowing responses.

The building and construction sector also face similar challenges of regulatory fragmentation, with approvals and inspections handled by counties, while national bodies like the National Construction Authority (NCA) have parallel roles. This set of web of laws and authorities provide enforcement gaps, posing safety risks. The hospitality and tourism sector see oversight split among the Tourism Regulatory Authority, county governments, and other agencies like NEMA, leading to uneven enforcement of service quality and safety standards.

KECOPAC, established under the Consumer Protection Act, serves as the government's advisory body on consumer protection matters. While KECOPAC and the Competition Authority share the objective of promoting consumer welfare, KECOPAC focuses on direct dealings between producers and consumers to prevent exploitation arising from information asymmetries. However, KECOPAC's effectiveness is hindered by several challenges:

- 1 *Limited operational capacity and visibility:* This impedes its ability to advocate effectively for consumer rights and engage stakeholders, with its activities not widely publicized.
- 2 *Coordination challenges:* Difficulties in harmonizing efforts with sector-specific regulators hinder cohesive consumer protection strategies.
- 3 *Resource constraints:* As an advisory committee, it operates with limited financial and human resources, affecting its capacity for essential research, policy analysis, and public education.
- 4 *Advisory mandate lacking direct enforcement authority:* KECOPAC relies on other sector regulators to act on its recommendations, potentially delaying consumer protection measures.
- 5 *Data and research challenges:* Difficulties in accessing or generating necessary data may lead to less effective policy recommendations.

Addressing these institutional weaknesses requires more than incremental improvements. It calls for the establishment of a dedicated and empowered national consumer protection agency, potentially by transforming KECOPAC from an advisory body into an agency with a clear enforcement mandate, adequate resources, and the authority to coordinate effectively across sectors. Such an agency would not merely add another layer but would serve as a central pillar, ensuring that consumer welfare is consistently prioritized and protected within the complex regulatory landscape. It would champion legislative reforms, enhance technical capacity for emerging risks, and ensure that siloed institutions communicate and collaborate effectively. This revamped structure is essential for developing relevant mechanisms for consumer complaints, redress, and comprehensive education for both consumers and traders.

2.4 Product Safety and Liability

The right to product safety is a fundamental consumer right, essential for building consumer confidence in the marketplace. The liberalization of markets and technological advancements have led to an influx of new products available to Kenyan consumers. Access to clear product safety information is crucial, especially for vulnerable consumer segments.

A significant deficiency in the current legal framework is the absence of a general provision explicitly recognizing consumers' right to safe products or establishing clear manufacturer liability for defective or unsafe products. While the Standards Act permits the setting of standards, consumers often have limited recourse when unsafe products cause harm or damage. This gap is particularly concerning for hazardous household chemicals (e.g., paraffin, pesticides, disinfectants). While labelling is used to communicate dangers, the language is often inaccessible to many consumers, including those with no formal education. Furthermore, industrial products are sometimes repackaged into smaller, unlabeled containers and sold informally, and expired medicinal products are marketed on the streets, posing severe risks.

The rise of e-commerce and digital trade introduces new product safety and liability challenges. These include risks from AI-enabled devices, services, and software, where defects can lead to physical or financial harm. Counterfeit and substandard goods, including electronics, cosmetics, and medications, are easily sold through online

marketplaces and social media, often shipped from abroad and lacking proper labelling or adherence to Kenyan standards. While Kenyan laws require suppliers to ensure product safety, cross-border sellers may fall outside local jurisdiction, complicating enforcement and redress. The Competition Authority of Kenya (CAK) has pushed for e-commerce platforms to establish local agents to address this, highlighting the complexity of cross-border liability. A recent example of such cross-border risk was the 2024 recall by the Pharmacy and Poisons Board of a children's cough syrup due to high levels of diethylene glycol, a substance linked to child deaths internationally¹². Kenyan regulators rely on international alert networks but have limited direct power over foreign sellers.

Emerging issues with digital products, such as software and IoT devices, also require attention. Unlike jurisdictions such as the European Union, which have updated product liability directives to explicitly cover software and AI-enabled goods, Kenya's laws have not yet been modernized to address digital product liability, leaving liability for digital defects largely untested. A dedicated consumer protection agency would be crucial in advocating for and enforcing comprehensive product safety and liability laws fit for the modern, digitalized marketplace.

2.5 Product Standards, Warranties and Aftercare

While competitive market forces should ideally drive product quality, warranties, and aftercare services, a baseline of consumer assurance is necessary to ensure fairness, enforceability, and acceptable standards. A minimum mandatory product standard should guarantee that a product meets a basic level of quality and performs reasonably according to its price and description.

In Kenya, despite interventions by regulators like KEBS and the Competition Authority, enforcement of product standards, warranties, and aftercare faces significant gaps. The Business Laws Amendment Act 2024 empowers KEBS to require product testing, maintain recall registers, and order the withdrawal of non-compliant or risky goods, including from online platforms. However, the practical application across the diverse marketplace remains a challenge.

Consumer satisfaction with aftercare, particularly in digital trade, is reportedly low. While some digital platforms offer limited guarantees and return options, broader enforcement and tracking of warranty fulfillment are weak. Many Kenyan businesses offer only minimal legal warranties, if any, and enforcement is inconsistent. Access to service centers for products like electronics and appliances is often limited outside major urban areas. The lack of comprehensive statistics on warranty claims, defect rates, or after-sales satisfaction underscores the need for systematic monitoring, stronger redress mechanisms, and enhanced consumer education in both traditional and digital markets. A dedicated agency could play a vital role in setting benchmarks, monitoring compliance, and ensuring consumers have access to effective aftercare services.

2.6 Packaging, Marketing and Advertising

Despite existing frameworks governing packaging, marketing, and advertising, violations are prevalent in Kenya. Common issues include false labelling, such as misrepresentation of product ingredients, unclear or illegible expiry dates, hidden costs in e-commerce transactions, and unregulated environmental ("green") claims. For instance, the CAK found bread manufacturers using packaging that obscured expiration details and falsely claimed the inclusion of ingredients like butter or milk.

Digital trade, particularly online marketplaces and influencer marketing, presents new challenges. Many endorsements lack transparency, and Kenya currently lacks formal guidelines for influencer disclosures, unlike jurisdictions such as the United States (US), the European Union (EU), or South Africa, which mandate clear tagging of sponsored content.

While enforcement actions have seen an increase, with the CAK fining companies for false advertising and penalizing digital lenders for misleading promotions, and the Betting Control and Licensing Board suspending gambling advertisements due to misleading promotions targeting youth, overall enforcement across digital platforms remains limited, and consumer awareness of their rights in this domain is low. Kenyan consumer protection legal, regulatory

¹² Pharmacy and Poisons Board (2025) Product recalled 2024 - Pharmacy and Poisons Board, Pharmacy and Poisons Board - to Protect the Health of the Public by Regulating the Profession of Pharmacy and Ensuring Quality, Safety and Efficacy of Medical Products and Health Technologies. Available at: <https://web.pharmacyboardkenya.org/product-recalled-2024/>.

and policy frameworks, while aligning with global standards in intent, fall short in implementation, especially concerning influencer marketing and the regulation of green claims. Strengthening enforcement capacity, introducing clear digital advertising rules, expanding consumer education, and harmonizing practices with international best standards are crucial steps to enhance transparency, build consumer trust, and support fair competition.

2.7 Consumer Rights Awareness

The UN Guidelines for Consumer Protection emphasize proactive enforcement and broad stakeholder education. While Kenya has made strides in aligning with UN and OECD consumer principles, significant gaps persist, particularly in consumer rights awareness. Awareness levels remain limited, especially among rural, less-educated, and low-income populations.

Surveys indicate that while many Kenyans can identify basic consumer rights, far fewer understand how to seek redress or report violations. This knowledge gap is more pronounced in the context of digital trade, where issues like e-commerce rights, algorithm-driven personalization, and data privacy protections are poorly understood. Urban and more educated consumers are generally more adept at recognizing and acting upon unfair practices, whereas rural consumers often lack access to information or confidence in existing complaint mechanisms.

Government and civil society initiatives, such as CAK's school outreach and the Communications Authority's "*Chukua Hatua*" and "*Kikao Kikuu*" programs, have aimed to boost awareness. However, the coverage of these efforts remains uneven and largely project-based, failing to achieve sustained, widespread impact. Consequently, many consumers resign themselves to accepting defective goods or misleading services without seeking refunds or reporting fraudulent activities. This underscores the critical need for sustained, nationwide education campaigns, the integration of consumer rights into educational curricula, and the development of simplified, accessible redress mechanisms to empower all Kenyans to assert their rights effectively in both traditional and evolving digital markets. A dedicated consumer protection agency would be best positioned to spearhead and coordinate these vital educational efforts.

2.8 Consumer Protection Redress Mechanisms

Kenya's consumer protection redress framework comprises a mix of formal and informal mechanisms, spanning legislative, regulatory, and quasi-judicial remedies for both traditional and digital commerce. Formally, consumers can pursue legal action in courts, including the Small Claims Court for disputes under KShs 1,000,000, or lodge petitions with sector regulators and tribunals. The CAK, for example, has handled numerous consumer complaints, recovering significant sums in refunds, repairs, or replacements. Similarly, telecom regulators resolve a substantial percentage of complaints received.

However, access to these formal channels remains uneven, primarily due to low awareness, particularly in rural areas. Many consumers are unaware of the existence of these mechanisms or how to navigate them. Even when accessible, the enforcement of decisions can be slow and cumbersome, discouraging consumers from pursuing formal redress.

Digital trade introduces further complexities. Many online platforms, especially those based internationally, lack local offices or clear redress structures in Kenya. The CAK has had to compel some global companies to establish local representation due to the ineffectiveness of cross-border complaint handling. Despite the growth of e-commerce, a disproportionately small number of complaints handled by CAK relate to online transactions, yet surveys indicate a high percentage of digital complaints go unresolved. Consumers often resort to informal mechanisms like social media, in-app reporting, or review sites, but their effectiveness is inconsistent.

International best practices highlight the importance of accessible dispute resolution, including Online Dispute Resolution (ODR) and cross-border cooperation. Currently, Kenya lacks a national ODR platform for consumer disputes and has limited formal cooperation agreements with other countries on consumer protection, especially for digital and AI-related cross-border complaints. While Alternative Dispute Resolution (ADR) is legally recognized, its use in consumer matters is infrequent. Notably, some consumer contracts, particularly in digital finance offered by mobile service providers, stipulate arbitration as the primary dispute resolution mode, contravening the Consumer Protection Act which prohibits mandatory arbitration clauses and potentially exploiting consumers.

Government strategies and policy proposals include strengthening redress mechanisms and amending the Consumer Protection Act to cover e-commerce more explicitly. Legislative amendments are also being considered to enhance

digital consumer protection and mandate local representation for large online platforms. A dedicated agency is crucial for overseeing the development and effective functioning of these enhanced redress mechanisms, ensuring they are accessible, efficient, and fair for all consumers.

2.9 The Environment and Sustainable Consumption

Kenya has implemented several policies and regulations to promote sustainable consumption patterns. The Sustainable Waste Management Act 2022 and its 2024 Extended Producer Responsibility (EPR) regulations further mandate manufacturers to register with the National Environment Management Authority (NEMA) and assume responsibility for their products' entire life-cycle, thereby encouraging eco-friendly design and recyclable packaging.

NEMA has initiated a national system of color-coded bins and public education campaigns to improve waste source-separation. However, waste management remains a major challenge, especially in rapidly growing urban metropolises and coastal areas. Nairobi for example, produces around 2,400 tons of waste every day, of which only 38 per cent is collected and less than 10 per cent recycled.¹³ Estimates suggest that a significant amount of plastic packaging leaks into Kenya's environment annually, with less than 15% being recycled, indicating widespread mismanagement of waste. For instance, a UNEP report highlighted that in Mombasa, an estimated 3.7 kg of plastic per person per year ends up in waterways.

Government and civil society organizations actively run consumer awareness campaigns to encourage behavioral shifts towards sustainability. NEMA and its partners conduct public awareness drives promoting recycling through schools and media. NGOs and industry groups also contribute; for example, Consumers International's Green Action Fund supported initiatives to train rural women on renewable energy and sustainable farming. In 2023, the "Zero Waste Kenya" initiative was launched with backing from manufacturers and international organizations to minimize waste through recycling and circular economy education.

However, misleading green marketing ("greenwashing") poses a significant concern. Current consumer protection and environmental laws do not explicitly ban unverified eco-claims, and self-regulatory advertising codes are weakly enforced. Consequently, some companies continue to make unsubstantiated sustainability claims. While regulators like NEMA are taking action against actual pollution, such as compelling companies to clean up plastics from rivers under the new EPR regulations, there is a clear need for stronger oversight of "green" advertising. Civil society and consumer bodies advocate for clearer eco-label standards, robust monitoring of environmental claims, and continued public education to ensure businesses' environmental assertions are truthful, upholding Kenyans' constitutional right to a clean and healthy environment. A dedicated consumer protection agency can play a crucial role in combating misleading environmental claims and empowering consumers to make genuinely sustainable choices.

2.10 Protection of Vulnerable Groups

While Kenya's legal and policy frameworks acknowledge broad consumer rights and articulate special protections for disadvantaged groups, many vulnerable Kenyans continue to face exploitation, exclusion from vital information, and unfair pricing practices in the marketplace.

Women in Kenya, particularly those in economically disadvantaged or rural settings, often lag behind men in digital and financial access. Factors such as lower literacy levels, income disparities, and social barriers contribute to a "digital divide," limiting their access to online pricing information, mobile banking, and digital literacy programs. In the financial sphere, women, along with other low-income borrowers, are susceptible to high-cost credit. A significant portion of Kenyans reportedly do not understand the true cost of their credit, making them vulnerable to opaque fintech loans with exorbitant interest rates and hidden fees. Digital lenders have been reported to target financially distressed individuals with short-term loans, leading to debt traps and harassment from debt collectors. Price discrimination also disproportionately affects poorer consumers, who often pay more per unit for goods bought in small quantities—a "poverty premium" that particularly burdens women managing daily household purchases.

Children are especially vulnerable to consumer harms, including unsafe products, misleading advertising, and online exploitation. National laws and policies recognize children's right to protection and impose obligations on

¹³ Mamo, M.B., EBS (2021) *Environmental best practices in waste management*, National Environment Management Authority. Available at: [https://www.nema.go.ke/images/ACS_2023/Environmental%20Best%20Practices%20in%20Waste%20Management%20FINAL%20\(10\).pdf](https://www.nema.go.ke/images/ACS_2023/Environmental%20Best%20Practices%20in%20Waste%20Management%20FINAL%20(10).pdf).

stakeholders to safeguard them. The Communications Authority runs child online protection initiatives, and organizations like the Consumers Federation of Kenya (COFEK) acknowledge children's early adoption of ICTs and their heightened online vulnerability. Digital media can expose children to inappropriate content or scams, and many parents lack awareness of safe usage guidelines, a risk compounded by literacy barriers that prevent digitally illiterate parents from guiding their children effectively.

Youth, as heavy users of digital credit, often grapple with consumer risks stemming from a lack of full comprehension of loan terms. Many young Kenyans do not read loan disclosures, making them easy targets for high-interest fintech lenders. Reports indicate that young people in rural and low-income areas sometimes resort to borrowing for essential needs, only to find themselves trapped in cascading debt. Furthermore, youth may lack accessible channels for complaints or find existing grievance mechanisms difficult to navigate, leading to many of their issues remaining unaddressed.

According to the 2019 Kenya Population and Housing Census, approximately 2.2% of the population (around 916,692 individuals) reported having some form of disability¹⁴. The Constitution and the Persons with Disabilities Act entitle Persons with Disabilities (PWDs) to reasonable access to places, public transport, and information, including the use of Braille or sign language. However, in practice, PWDs encounter significant barriers in consumer markets. Studies show that telecom operators and online services largely neglect accessibility needs; for instance, services often lack Braille, voice-to-text options, ramps, audio assistance, or sign language support at ATMs, websites, and service centers. This exclusion limits PWDs' access to crucial information, such as product safety or pricing, and hinders their ability to use digital financial services safely.

Individuals living in poverty, such as slum dwellers and the uneducated, often face a "poverty penalty". Lacking savings or collateral, they may be forced to take informal loans at exorbitant rates or purchase essentials in small, costly packages where per-unit prices are significantly higher than bulk purchases available in supermarkets. Illiteracy prevents them from understanding contracts or labels, increasing their vulnerability to scams and misleading terms. Studies on digital finance users found that many socially and economically disadvantaged consumers did not trust or use formal complaint channels, allowing exploitative practices to continue unchecked¹⁵.

NGOs consistently report very low awareness of rights among vulnerable and disadvantaged groups. Many Kenyans are unaware of regulatory protections and feel they have little recourse when problems arise. Consumer advocacy groups like COFEK strive to fill this gap by advocating and litigating on behalf of citizens, famously suing the government over fuel price hikes¹⁶. These organizations also produce consumer guides, conduct public complaint clinics, and lobby for stronger enforcement. Digital rights NGOs run projects to improve access for women and PWDs, while international partners fund literacy and digital inclusion programs.

Despite robust laws on paper and some proactive programs, significant enforcement and accessibility gaps persist. Vulnerable consumers often lack the means to know or assert their rights due to low financial and digital literacy, language and format barriers in information dissemination, and under-resourced or inaccessible complaint mechanisms. Addressing these multifaceted challenges requires not only stricter enforcement but also tailored educational initiatives, improved outreach in underserved communities, and a concerted effort to make services and redress forums genuinely accessible to all Kenyans. A dedicated consumer protection agency, with a specific mandate to champion the cause of vulnerable groups, is essential to drive these necessary changes and ensure inclusive consumer protection.

¹⁴ 2019 Population and Housing Census - Kenya National Bureau of Statistics (no date) Kenya National Bureau of Statistics. Available at: <https://www.knbs.or.ke/reports/kenya-census-2019/>.

¹⁵ Innovations for Poverty Action, *Understanding Consumer Protection Risks Faced by Kenyan Digital Finance Users*. Available at: <https://poverty-action.org/study/understanding-consumer-protection-risks-faced-kenyan-digital-finance-users>

¹⁶ Think Tank for Sustainability, *A Human Rights- Based Approach to Food Security in Kenya and South Africa*. Available at: https://aphrc.org/wp-content/uploads/2023/03/A-Human-Rights-Based-Approach-to-Food-Security-in-Kenya-and-South-Africa_IL-230301.pdf

CHAPTER THREE: POLICY STATEMENTS

3.0 Overview

This chapter provides policy intervention to address the gaps, issues and challenges identified in the situation analysis.

3.1 Legislative, Policy and Institutional Frameworks

The analysis of relevant legislative, policy and institutional frameworks indicate that there exist unharmonized sectoral legislation and other laws that are not in line with devolved system of government, , inadequate implementation and enforcement, the limited oversight mandate of KECOPAC, weak institutional framework and inadequate coordination. All these hamper consumer protection efforts.

Key Issues: Inadequate legal and institutional frameworks coupled with weak enforcements.

Policy Objective: Strengthen legal and institutional frameworks on Consumer protection matters implemented by various agencies.

In order to address the key issues, the following policy interventions will be undertaken:

Policy Measures:

- i. Review and amend the CPA and other existing legislation to address evolving challenges in consumer protection and aligning them to devolved system of governance.
- ii. Transform KECOPAC into an Agency and enhance its mandate.
- iii. Mainstream consumer protection in other sector specific policies and strategies.
- iv. Strengthen enforcement and implementation of consumer protection legislation.
- v. Establish a coordination mechanism amongst all National and County Governments Agencies responsible for consumer protection.
- vi. Develop specific consumer protection regulations and/or guidelines for the digital economy and the use of AI covering transparency, fairness, accountability, data governance, and redress for digital-driven and AI-related harm.
- vii. Mainstream considerations of digital consumer rights and AI ethics into the mandates and operations of all relevant sector regulators.

3.2 Product Safety and Liability

The country's consumer protection framework which is scattered in various sectoral laws faces significant challenges in ensuring product safety and liability. Despite constitutional guarantees and the Consumer Protection Act, enforcement of product safety, quality and liability is weak due to weak surveillance and monitoring.

Key Issues: Low product quality, poor standards, inadequate reporting and compensation mechanism as well as weak surveillance and monitoring.

Policy Objective: Ensure that all goods and services, including digital products, software, and AI-driven services marketed in Kenya are safe and fit for use, thereby protecting consumers' life, health and welfare.

Policy Measures:

- i. Implementing science-based standards harmonized with international norms such as ISO, Codex Alimentarius for food safety.
- ii. Ensuring standards are transparent and publicly accessible.
- iii. Ensure that manufacturers and suppliers bear producer liability for compliance purposes.
- iv. Adoption of standardized labelling in English and Kiswahili and unit pricing.
- v. Establishment of a national Recall and Alert System under the national consumer protection agency, including alerts for cybersecurity vulnerabilities in digital products and AI systems for unsafe goods and services.
- vi. Coordination of safety notices issued by the sector regulators.

- vii. Strengthen post-market surveillance mechanisms to monitor product safety and compliance.
- viii. Establish safety standards and conformity assessment procedures for AI-powered consumer products and IoT devices.
- ix. Establish liability frameworks for harm caused by defective digital products, software, and AI systems, including consideration of the roles of developers, deployers, and platforms.

3.3 Product Standards, Warranties and Aftercare

Kenya's consumer protection landscape faces significant challenges regarding product standards, warranties, and after-sales services. Despite the Consumer Protection Act mandating that goods be of "reasonably merchantable quality" and providing for implied warranties, enforcement is often weak.

Key Issues: Kenya lacks a cohesive and well-enforced national framework for product standards, warranties, and aftercare.

Policy Objectives: Ensure adherence to product standards as well as provision of warranties and after-sales services.

Policy Measures:

- i. Enact and strictly enforce Kenyan Standards for key product categories.
- ii. Enforce robust market surveillance with stronger enforcement and penalties.
- iii. Adopt digital product registration and tracking.
- iv. Establish clear channels for consumers to report defects or claim warranties.
- v. Create a unified system for collecting enforcement data.
- vi. Enhance collaboration between sector regulators, county governments and law enforcement agencies.
- vii. Review and update Kenya's consumer protection and standards laws to cover emerging challenges.
- viii. Establish mechanism for after-sales services and recall of defective products
- ix. Develop standards for the quality, security, and interoperability of digital services and AI systems offered to consumers.
- x. Ensure warranties and aftercare services extend to digital components and software updates for smart products and AI-driven services.
- xi. Ensure that DFS products are designed to meet specific needs and circumstances of vulnerable groups.

3.4 Consumer Rights Awareness

While some consumers are aware of their rights, many, especially in rural areas, inadequate knowledge about consumer protection laws and available remedies. Even among those informed, there's a low utilization of established protection mechanisms, indicating a gap between awareness and action. The rapid growth of digital financial services has introduced new complexities, with many consumers unaware of the terms and conditions associated with digital products, leading to issues like hidden fees and susceptibility to fraud.

Key Issue: Limited awareness on consumer rights

Policy Objective: Enhance awareness on consumer rights.

Policy Measures:

- i. Develop and implement consumer awareness programs managed by the regulators and the national consumer protection agency with specific modules on areas including digital financial literacy, data protection, navigating e-commerce safely, understanding AI's influence, and identifying online scams and disinformation.
- ii. Establish hotlines/websites, development of brochures, banners and media messaging for consumer advice.
- iii. Conduct information sharing clinics and campaigns in markets and malls regularly in regions with

- many vulnerable consumers.
- iv. Conducting outreach via social media and community radio.
- v. Facilitate the registration, accreditation and operation of consumer advocacy groups.
- vi. Ensure representation of consumer organizations in policy formulation and regulatory bodies.
- vii. Capacity-build and strengthen the advocacy skills of consumer groups.
- viii. Support county-level advocacy through public engagement mechanisms.
- ix. Enhance financial literacy programs focusing on responsible borrowing and investment.
- x. Promote digital financial literacy programs that empower consumers to critically evaluate online information and AI-generated content.
- xi. Integrate consumer education into the national curriculum at various educational levels.
- xii. Partner with civil society organizations and the media to conduct community-based consumer education programs.
- xiii. Develop multilingual/vernacular and accessible information materials to cater for diverse consumer groups.
- xiv. Promote corporate social responsibility initiatives that include consumer education components.
- xv. Leverage technology to disseminate consumer information through mobile platforms and community centers.

3.5 Consumer Protection Redress Mechanisms

There is no overarching consumer code; existing statutes tend to set principles without clear, enforceable redress procedures. In practice the laws are criticized for lacking detailed remedies or penalties. These deficiencies are most acute in new markets: for example, ride-hailing, gig platforms and online delivery services operate with minimal local regulation, so buyers have little statutory recourse against foreign-based vendors.

Key Issue: Weak consumer protection redress mechanisms.

Policy Objective: Establish an effective, accessible and affordable consumer redress mechanism, capable of handling disputes arising in both traditional and digital markets.

Policy Measures:

- i. Improve the judicial processes to hasten and make the cost of addressing consumer related complaint affordable.
- ii. Improve on time efficiency of handling consumer disputes by regulatory bodies.
- iii. Enlighten consumers on available redress mechanisms.
- iv. Establishment of a Consumer Dispute Resolution Forum for handling consumer disputes.
- v. Develop and promote Online Dispute Resolution (ODR) mechanisms, particularly for e-commerce and cross-border digital transactions.
- vi. Ensure redress mechanisms are equipped to handle complaints related to algorithmic bias, unfair automated decisions, and other AI-specific harms, potentially through specialized expertise or bodies.
- vii. Investigation of any complaints received regarding consumer issues.
- viii. Standardization of consumer complaint forms or receipts within different sectors.
- ix. Establish a database for logging and tracking of consumer grievances and their resolution.
- x. Cooperation with regional and international bodies such as COMESA, EAC, AU and ICPEN for cross-border enforcement.
- xi. Provide mobile redress channels.
- xii. Regularly review and update dispute resolution procedures to ensure efficiency and fairness.
- xiii. Offer alternative complaint submission methods, such as Short Messaging Services (SMS) and call

centers, to cater for diverse consumer needs.

3.6 Packaging, Marketing and Advertising

Kenya's packaging, marketing, and advertising landscape faces several consumer protection challenges. Misleading packaging practices, such as false ingredient claims as well as absent and obscured expiry dates, have been identified, notably in the food industry. The digital advertising space, particularly influencer marketing, lacks clear regulations, leading to non-transparent endorsements and eroding consumer trust.

Key Issues: Misleading packaging and labelling, unregulated digital advertising, use of dark patterns, lack of transparency in AI-driven personalization and influencer marketing, and hidden costs in e-commerce.

Policy Objectives: To protect consumers against misleading packaging, marketing, and advertising practices.

Policy Measures:

- i. Enforce implementation of legislation on packaging and labelling.
- ii. Promote a factual and customer centric marketing and advertising practices.
- iii. Formulate clear regulations for packaging, marketing, and advertising, including specific provisions for digital platforms for digital platforms, AI-driven advertising, influencer marketing (requiring clear disclosure of paid partnerships), and prohibiting the use of dark patterns.
- iv. Require businesses to provide transparent pricing and service terms.
- v. Require clear and full disclosure when consumers are interacting with AI systems for marketing or service provision, and when AI is used to personalize content or pricing.
- vi. Establish guidelines for ethical AI in marketing, preventing manipulative or exploitative practices.
- vii. Standardize labelling across food, pharmaceuticals, and digital goods.
- viii. Implement stricter regulations on advertising content, especially in digital media.
- ix. Require advertisers to provide clear and verifiable information about products and services.
- x. Align Kenya's regulations with international best practices to ensure consistency and enhance consumer protection.
- xi. Adoption of digital labelling mechanisms, such as quick response code (QR) labelling.
- xii. Promote social media literacy programs to help consumers critically evaluate advertising messages.

3.7 The Environment and Sustainable Consumption

Kenya continues to struggle with significant environmental challenges despite its proactive policies aimed at promoting sustainable consumption. Misleading green marketing remains a concern, legislative frameworks do not explicitly ban unverified eco-claims, and self-regulatory advertising codes are weakly enforced.

Key Issues: Environmental pollution; poor waste management and recycling; non-sustainable consumption; misleading green marketing, inadequate and weak enforcement of legislative and regulatory frameworks.

Policy Objectives: Promoting sustainable consumption and environmental friendly behavior.

Policy Measures:

- i. Strengthen enforcement mechanisms to ensure effective waste collection, segregation, and recycling.
- ii. Promote eco-friendly product designs and packaging through stringent EPR compliance and incentives for sustainable practices.
- iii. Require producers and consumers to take responsibility in waste management.
- iv. Develop regulations that require companies to provide evidence and proof of eco-friendly claims to prevent greenwashing.
- v. Build and maintain facilities for waste segregation, recycling, and disposal, ensuring accessibility across urban and rural areas.

- vi. Conduct awareness campaigns, promoting responsible consumption and proper waste disposal habits.
- vii. Promote and incentivize green marketing practices.

3.8 Protection of Vulnerable Groups

Vulnerable groups experience social exclusion, limiting their access to essential services such as education, healthcare, and employment. Additionally, the lack of accessible infrastructure and societal prejudices further hinder the full participation of persons with disabilities in societal development.

Key Issues: Inappropriate infrastructure; inadequate and inaccessible information on goods and services; discrimination in provision of services; inadequate representation; inadequate awareness on their rights as consumers.

Policy Objective:

To promote fair, dignified and respectful treatment for the vulnerable groups.

Policy Measures:

- i. Promote implementation of consumer protection affirmative action programs for vulnerable groups.
- ii. Ensure effective representation of vulnerable groups on policy structures and processes that affect them as consumers.
- iii. Enhance creation of awareness on consumer protection to vulnerable groups.
- iv. Develop and implement inclusive policies and initiatives that address the specific needs of vulnerable groups.
- v. Ensure accessibility of consumer protection services through multiple channels, including mobile and community-based platforms.
- vi. Monitor and evaluate the impact of consumer protection policies on vulnerable groups to inform continuous improvement.
- vii. Promote accessible design (design for all) principles for digital platforms, including digital financial services, e-commerce and AI interfaces to ensure usability by persons with disabilities and other vulnerable groups.
- viii. Address the digital divide by promoting affordable access to digital technologies and targeted digital financial literacy programs for vulnerable populations.
- ix. Provide mandatory training for DFS agents on consumer protection, ethical conduct and fraud prevention.
- x. Mandate clear, simple and transparent disclosure of information related to digital platforms, e-commerce services, use of AI and utilization of personal data.

CHAPTER FOUR: POLICY IMPLEMENTATION AND COORDINATION

4.0 Overview

This chapter highlights the coordination and administration mechanisms for the implementation of the National Consumer Protection Policy. It spells out the implementation mechanism, actors and resource mobilization for successful implementation of the Policy.

4.1 Policy Implementation and Coordination

This Policy will be implemented directly through ministerial guidelines, administrative measures, voluntary agreements, information disclosure, partnerships and collaboration. The Policy will also be implemented through legislative measures.

The Ministry responsible for consumer protection matters will have overall oversight responsibility for the effective implementation of this Policy. This Policy recommends the establishment of an Agency which will be domiciled in the Ministry and will be responsible for coordination of implementation of consumer protection matters.

The Agency will:

- i. Advise the Cabinet Secretary on all aspects relating to consumer protection;
- ii. Formulate, review, identify and recommend policy and legislative consumer protection policy gaps;
- iii. Strengthen institutional capacities and harmonize institutional frameworks to enhance linkages between consumer protection institutions in the public and private sector;
- iv. Develop strategies for resource mobilization for consumer protection
- v. Develop and undertake overall communication strategy with all relevant stakeholders.
- vi. Co-ordinate the networking of consumer protection activities;
- vii. Develop partnerships and linkages with consumer organizations, relevant authorities and agencies locally and outside Kenya;
- viii. Undertake Consumer Protection Impact Assessment (both Rapid and comprehensive)
- ix. Conduct Consumer Impact Assessment Training programmes for staff, regulatory agencies and Trainers of Trainers
- x. Promote and participate in consumer education programmes and activities;
- xi. Provide advisory services to consumers on their rights and responsibilities under appropriate laws, and making available to consumers general information affecting their interests;
- xii. Develop and establish a conflict resolution mechanism on consumer protection issues;
- xiii. Develop a standard tool for validation of consumer protection process;
- xiv. Assess for compliance with the provisions of the Consumer Protection Act and regulations and issue a Certificate of Compliance and Statement of Compliance.
- xv. Conduct investigations of any complaint received regarding consumer issues, and where appropriate, refer the complaint to the relevant authority and make follow-up on actions taken by the authority.
- xvi. Promote establishment of conflict resolution mechanisms on consumer protection issues by other consumer protection authorities and agencies;
- xvii. Foster cooperation among regulatory agencies to share information and coordinate enforcement actions;
- xviii. In consultation and collaboration with the Chief Justice and County Governments establish county-based disputes settlement mechanism on matters consumer protection;

- xix. Receive periodic and ad hoc reports on consumer protection from agencies to aid in preparation of status report on consumer protection matters;
- xx. Publish names of non-compliant businesses to inform consumers and deter violations;
- xxi. Conduct periodic compliance audits for businesses, focusing on adherence to consumer protection standards.
- xxii. Undertake or commissioning any study or research which may be necessary to promote consumer protection and thereby publish the State of National and County Consumer Protection Annual Reports;
- xxiii. Establish and update National Consumer Data and Repository;
- xxiv. Monitoring the working and enforcement of laws that directly or indirectly affect the consumer;
- xxv. Accredited consumer protection associations and develop their codes of practice; and
- xxvi. Collaborate with Academia and research institutions in the development and review of the curriculum, and provision of consumer protection training.
- xxvii. In collaboration with the relevant regulatory authorities and stakeholders develop and maintain a repository of information on AI systems deployed in the Kenyan market that have a significant impact on consumers.
- xxviii. Facilitate capacity building for relevant agencies on issues related to consumer protection in the digital economy and use of AI.

4.2 Key Actors to support Consumer Protection

Effective implementation of this Policy will require several different agencies acting in harmony. There is therefore the need to ensure strong coordination and collaboration. The actors are categorized based on their role in consumer protection as outlined below.

4.2.1 National Government

The National Government's mandate is;

- i. Formulating policies and legislative proposals in the interest of consumers and the modification, consolidation or updating of legislation providing protection to consumers;
- ii. Coordinating and networking on consumer activities;
- iii. Developing linkages with consumer organizations and the Regulatory authorities and for the protection of consumer interests;
- iv. Undertaking or commission any study or research which may be necessary to promote consumer protection;
- v. Enforce provisions of the Constitution of Kenya and Acts of parliament in relation to consumer protection matters;
- vi. Build capacity and technical assistance on fair trading practices; and
- vii. Establish norms and standards on fair trading practices and consumer protection.

4.2.2 Parliament

- i. Provide input into the policy formulation process.
- ii. To enact legislation relevant to consumer protection.
- iii. Provide oversight in the implementation of this Policy.
- iv. Allocate budget to enable development and implementation of this Policy.

4.2.3 The Judiciary

- i. Provide interpretation of the laws on consumer protection.
- ii. Provide resolution of disputes with respect to the laws on consumer protection.
- iii. Uphold the rule of law by administering justice in a fair, timely, accountable, transparent and affordable manner.

4.2.4 Council of Governors

- i. Collaborate with National Government Agencies to develop policies that protect consumer rights at the County level;
- ii. Monitor and evaluate service delivery to ensure compliance with consumer protection guidelines;
- iii. Advocacy and representation – advocates for consumer rights in the counties by engaging with stakeholders including the public, civil society and private sector;
- iv. Represent county interest and escalate consumer related concerns to the national government
- v. Promote consumer awareness campaigns at the county level to educate residents on their rights and responsibilities.
- vi. Support training county staff on consumer protection best practices;
- vii. Support counties to establish and strengthen consumer complain redress mechanisms;
- viii. Work with regulatory bodies to enforce standards and quality control on consumer protection;
- ix. Undertake resource mobilization for consumer protection policy development at the counties.

4.2.5 County Governments

- i. Formulate and implement county specific policies on consumer protection.
- ii. Implement norms and standards developed by the National Government.
- iii. Promote consumer education and awareness programmes.
- iv. Provide advice to consumers on their rights and responsibilities under appropriate laws, and making available to consumers general information that affects their interests.
- v. Create and facilitate the establishment of conflict resolution mechanisms on consumer issues.
- vi. Undertake or commission any study or research which may be necessary to promote consumer protection in their area of jurisdiction.
- vii. Establish mechanism of receiving consumer complaints and liaise with sector regulators to provide interventions.

4.2.6 Private Sector and Business Membership Organizations

- i. Participate in the consumer protection policy formulation process.
- ii. Enhance trust by meeting consumer protection requirements.
- iii. Provide feedback on consumer protection matters.
- iv. Collaborate and partner with government in implementation of consumer protection policy.
- v. Provide and advocate for platforms to discuss consumer protection issues with policy makers.

4.2.7 Development Partners

- i. Provide technical support on consumer protection policy implementation.
- ii. Provide resources for capacity building on consumer protection policy.
- iii. Support the use of evidence-based consumer protection policy making.
- iv. Provide resources for consumer protection policy formulation, implementation, monitoring and evaluation.

4.2.8 Consumers

- i. Provide feedback on consumer protection policy and laws.
- ii. Support the implementation of consumer protection policy and laws.
- iii. Influence the government on consumer protection through advocacy.
- iv. Participate in consumer protection programmes

4.2.9 Accredited Consumer Organizations

- i. Provide advocacy on consumer protection interests.
- ii. Provide technical support during consumer protection policy formulation and implementation.
- iii. Provide civic education to consumers on their rights and obligations.
- iv. Sensitize consumers in judging the quality and value of goods.
- v. Establish complaint receiving, processing and feedback mechanism on consumer protection issues.
- vi. Collaborate and partner with government.
- vii. Provide proposals and feedback to the government.
- viii. Conduct research on consumer related matters.

4.2.10 Academia/Research Institutions

- i. Provide necessary technical support and capacity building on consumer protection matters.
- ii. Educate consumers on their rights.
- iii. Provide proposals and feedback to the government on consumer protection matters.
- iv. Partner and collaborate in research and policy analysis on consumer related matters
- v. Develop curricula and conduct training on consumer protection matters

4.2.11 The Media

- i. Provide accurate, credible and timely information on consumer protection matters.
- ii. Collaborate and partner with government on consumer protection issues.
- iii. Report on consumer protection violations.
- iv. Conduct research and investigation on consumer protection.

4.2.12 International and Regional Organizations

- i. Develop consumer protection policies, regulation and protocols
- ii. Highlight weaknesses and gaps in domestic consumer protection policies and legislations.
- iii. Advocate and support the implementation of international and regional resolutions on consumer protection.

4.3 Resource Mobilization

The implementation of the National Consumer Protection Policy will require commitment of human, physical, and financial resources that will be provided by various actors in the industry. The primary source of funds for the implementation of the programmes and activities by government agencies under this policy will be the National Treasury (Exchequer funding). The Agency will also, in collaboration with other stakeholders, come up with a resource mobilization strategy.

CHAPTER FIVE: POLICY MONITORING & EVALUATION, REPORTING AND LEARNING

5.0 Overview

This Chapter outlines the monitoring, evaluation and reporting framework for the implementation of this Policy.

5.1 Monitoring and Evaluation of the Policy

The Agency shall undertake periodic monitoring and evaluation to determine the relevance and fulfilment of the objectives set out in the policy and to ensure efficiency, effectiveness, coherence, impact and sustainability of policy implementation.

The Agency shall establish a monitoring and evaluation (M&E) framework which will guide the M&E process. The framework shall provide for:

- i. **Stakeholder Engagement:**
 - a. Actively involve key stakeholders such as government ministries, regulatory bodies, accredited consumer organizations, business associations, and civil society.
 - b. Establish stakeholder review forums at national and county levels to collect feedback, ensure inclusivity, and strengthen ownership of implementation processes.
- ii. **Data Collection and Analysis:**
 - a. Establish clear data collection tools and reporting templates.
 - b. Collect disaggregated data on policy interventions, with emphasis on vulnerable consumer groups.
 - c. Ensure real-time or periodic analysis to monitor trends, challenges, and emerging needs.
- iii. **Key Performance Indicators:**
 - a. Define SMART indicators to track input, output, outcome, and impact levels.
 - b. Develop baseline and target benchmarks across the policy's areas of focus.
 - c. Regularly update the indicators based on policy reviews and new data insights.
- iv. **Feedback Mechanism:**
 - a. Set up two-way communication systems (e.g., toll-free hotlines, digital dashboards, mobile apps, consumer feedback desks).
 - b. Ensure timely collection and response to consumer complaints and implementation challenges.
 - c. Facilitate periodic stakeholder feedback forums to incorporate grassroots experiences into national-level policy learning.
 - d. Provide feedback mechanism that will facilitate communication between the Agency and the Consumer Protection Policy implementing agencies. The mechanism will also provide for consumers and other stakeholders to report issues and concerns related to consumer protection.
- v. **International Benchmarking:**
 - a. The Agency shall undertake comparative studies with peer economies and international consumer protection leaders.
 - b. Use benchmarking to identify global best practices, innovations, and regulatory frameworks.
 - c. Adapt successful models for the Kenyan context while promoting regional harmonization.
 - d. Establish partnerships and collaboration with leading consumer protection agencies.
- vi. **Capacity Building:**
 - a. In collaboration with sector regulators, undertake annual capacity needs assessments to

determine training gaps and capacities.

- b. Develop training programmes, manuals, and toolkits targeting public officers, regulators, consumer groups, and private sector actors.
- c. Promote institutionalization of monitoring and evaluation skills and data literacy among stakeholders.

vii. Develop a Comprehensive Results Framework:

- a. Develop and operationalize a detailed Results Framework.
- b. Outline the process for policy interventions to desired change.
- c. Link budgetary allocations and partner contributions to specific outcomes and results.

viii. Conduct Periodic Evaluations:

- a. Conduct mid-term reviews and end-term evaluations (at policy cycle conclusion) using mixed methods to assess the effectiveness, efficiency, coherence, relevance, and sustainability of the policy interventions. The Agency will utilize both qualitative and quantitative methods to capture comprehensive insights.
- b. Engage external, independent evaluators for objectivity.
- c. Use evaluation findings to adjust strategies, reallocate resources, and guide the next policy review cycle.

5.2 Reporting

The Agency shall produce regular and annual reports on the progress of Policy implementation including successes, key findings and challenges.

All institutions involved in implementation of activities under this Policy will be responsible for providing progress updates periodically to the Agency for consolidation into one progress report.

5.2.1 Reporting Framework

In the preparation of the periodic and annual reports, the Agency will consolidated sector regulators' reports on consumer protection matters. These reports shall detail key achievements, challenges, budget utilization, stakeholder feedback, and lessons learned. The Agency shall produce a consolidated Annual Consumer Protection Implementation Reports which shall be publicly disseminated via official government websites, public engagement forums, printed reports, and media outlets to promote transparency and public accountability.

5.2.2 Institutional Reporting Obligations

Ministries, counties, regulatory authorities, and other implementers shall submit reports using harmonized formats. Reports shall be aligned with the Results Framework and contribute to the national consumer data repository. Performance data shall feed into the national planning and budgeting cycle to ensure adaptive resource allocation.

5.2.3 Learning

The Agency shall document, store and share lessons learnt with all stakeholders. These lessons learnt shall mainly focus on: successes, challenges, solutions and future actions. The Agency shall organize review meetings to provide insights about lessons learnt. The key actors shall also be expected to document and report lessons learnt in their respective areas.

CHAPTER SIX: POLICY REVIEW

6.0 Overview

This Chapter outlines the review cycle and the process of revising the policy through a structured review mechanism to assess implementation performance, effectiveness of enforcement, consumer awareness and outcomes in order to ensure continued alignment with Kenya's legal framework and international standards.

In line with the Constitution and existing statutes, reviews will check that the Policy remains consistent with domestic law. At the same time, the process will draw on global benchmarks. Together, these requirements imply that Kenya's consumer policy should be examined regularly to adapt to changing markets, technologies and legal developments.

6.1 Review Cycle

A comprehensive policy review will be conducted at least every ten years or as need arises through a consultative process to address technological development and emerging consumer protection challenges. This cycle is recommended to adapt to market or technological changes and to incorporate stakeholder input on performance.

6.2 Stakeholder Engagement

The Policy review will feature broad multi-stakeholder consultation. The lead Agency will issue a public call for evidence and hold consultations with consumer groups, business associations, academia and subject-matter experts in line with international best practices.

6.3 Inter-Agency Coordination

An inter-agency steering committee will oversee the review process, ensuring that all relevant government bodies contribute information and analysis. The committee will coordinate data-sharing, joint enforcement initiatives and policy recommendations among agencies. The committee will also document progress on previous recommendations and propose legislative or administrative adjustments if needed. Public disclosure of the report will also build confidence and invite broader commentary.

ANNEXURES

ANNEX I: POLICY DEVELOPMENT ROADMAP

STAGE	ACTIVITY	TIMELINE
Problem identification and agenda setting	<p>Undertake review on current status of the issues to resolve and identify the gaps.</p> <p>Examine existing policies, legal and institutional framework and their sufficiency in addressing the policy issue at hand.</p> <p>Identify and map the stakeholders to be involved in the policy formulation.</p> <p>Hold consultative forums with key stakeholders to gather information on issues that need to be addressed and alternative solutions.</p> <p>Develop a Concept Note for National Consumer Protection Policy formulation</p>	6 months
Policy formulation	<p>Undertake analysis on the alternative solutions to identify the best strategy to resolve the issue.</p> <p>Draft the National Consumer Protection Policy</p>	3 months
	<p>Undertake Public Participation.</p> <p>Present the Draft Policy to relevant Parliamentary Committees for input</p> <p>Finalize and validate the draft National Consumer Protection Policy</p>	2 months
Policy adoption and approval	<p>Preparation of Cabinet Memorandum: Submission of the validated draft National Consumer Protection Policy to the Cabinet</p> <p>Approval of the National Consumer Protection Policy by the Cabinet</p> <p>Printing and Dissemination of the Policy</p>	3 months

ANNEX II: POLICY IMPLEMENTATION MATRIX

National Consumer Protection Policy Implementation Matrix

Implementation Issues	Time Frame (in Financial Years)					Means of Verification	Budget estimates (Kshs.)	Source of funding	Responsibility
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5				
Amendment of the Consumer Protection Act, of 2012						Amended Consumer Protection Act	To be inserted	GoK/Partners	PS SDT/CEO KECOPAC
Development and gazettelement of the regulations to operationalize the Act						Gazetted regulations to operationalize the Act.	to be inserted	GoK/Partners	PS SDT/CEO KECOPAC
Establishment of the Consumer Protection Agency						Legal instrument establishing the Agency.	To be inserted	GoK	1. CS MITI/ PS SDT 2. Public Service Commission
Analyze existing legislation to identify gaps and make recommendations for Review to address evolving challenges in consumer protection.						Recommendations made on various legislations		GoK AND Partners	CEO KECOPAC
Establishment/Strengthen collaborative/partnership linkages with Development partners and private sectors.						Partnerships/networks developed; ToRs/Memorandum of Understanding established		GoK/Partners	PS SDT/CEO KECOPAC
Develop Consumer Protection Communication Strategy						Consumer Protection Communication Strategy		GoK/Partners	PS Trade/CEO KECOPAC
Develop Consumer protection training Manual						Training Manual		GoK/Partners	CEO KECOPAC/ KICD/KSG
Develop Norms and Standards on Fair trading practices and Consumer Protection						Norms and Standards developed		GoK/Partners	KECOPAC
Conduct capacity building for consumer actors on Consumer						Capacity building Reports.		NG/CG/ Partners	KECOPAC
protection rights, norms and standards									
Sensitize National Government and County Government agencies and other stakeholders to adopt the National Consumer Protection Policy						Sensitization Reports		NG/CG/ Partners	KECOPAC
Undertake programs and activities geared towards promoting food product safety and standards in the consumer protection ecosystem						Inspections, surveillance and testing reports;		GoK/Partners	KECOPAC and Relevant partners.
Develop a traceability mechanism and establish hygiene and safety standards in market infrastructures and storage facilities.						Traceability systems and safety standards developed		GoK/Partners	
In collaboration with relevant agencies, partners and institutions									KECOPAC/ Partners

Implementation Issues	Time Frame (in Financial Years)					Means of Verification	Budget estimates (Kshs.)	Source of funding	Responsibility
	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5				
Enforce conformity testing and assurance of all manufactured products						Conformity Testing and assurance reports		GoK/Partners	KECOPAC/ Partners
Enhance monitoring of compliance to quality and safety standards						Compliance and quality analysis reports		GoK/Partners	KECOPAC/ Partners
Develop a comprehensive legislation on the digital economy in collaboration with other relevant actors						Digital consumers' protection legislation		GoK/Partners	KECOPAC/ Partners
Establish and operationalize an investigative and complaints unit/desk						Investigative and complaint desk established		GoK	KECOPAC
Strengthen consumer education on the digital economy						Digital consumers' awareness campaigns strategy/materials		GoK/Partners	KECOPAC/ Partners
Develop annual Consumer Protection Work-plan.						Approved Workplans		GoK/Partners	KECOPAC
Develop of Resource Mobilization Strategy						Resource mobilization Strategy		GoK/Partners	PS SDT/KECOPAC
Establish ADR mechanism. both at the National And the county government level						ADR established.		GoK/County governments/ Partners	KECOPAC/ County governments/ Judiciary.
Monitor the implementation of the policy by all the players in the consumer protection space						Monitoring Reports.		GoK/Partners	KECOPAC
Policy Review						Review Report		GoK/Partners	KECOPAC

ANNEX III: POLICY MONITORING AND EVALUATION MATRIX

Monitoring and Evaluation Matrix for the National Consumer Protection Policy

Objective	Indicator	Baseline	Target	Means of Verification	Responsible Entity	Reporting Frequency
Strengthen legal and institutional frameworks	Consumer Protection subsidiary legislation enacted and dedicated coordinating Agency established	CPA 2012 in force; KECOPAC in place; no dedicated Agency (2024)	Consumer Protection Regulations in place and Agency operational by Q3 2026	Government gazette (legislation and Agency charter); KECOPAC/ Agency reports	Parliament	Annual
Enhance consumer awareness and information	Annual consumer education programs held and consumer sensitization on basic rights (survey-based)	Limited awareness	90% of consumers aware of basic consumer rights by 2030	Survey reports; records of education/awareness campaigns	Kenya Consumer Protection Agency, NGOs/CSOs, Media	Annual
Accessible and efficient consumer redress	Proportion of consumer complaints resolved through formal/informal channels within 30 days	Most complaints unresolved or delayed (2024)	80% of complaints resolved within 30 days by 2030	Case resolution records (courts, affordable consumer-centric alternative dispute resolution mechanisms, internal complaint resolution mechanisms by sectoral regulators); consumer satisfaction surveys	Judiciary; sector regulators; Kenya Consumer Protection Agency	Annual
Strengthen multi-agency coordination	Number of inter-agency consumer protection coordination meetings held per year	None (2024)	1 coordination meeting per year (2026-2030)	Meeting minutes; coordination committee reports	Kenya Consumer Protection Agency (or KECOPAC/Ministry of Trade); sector regulators	Annual
Protect consumers from unfair trade practices	Number of enforcement actions (inspections, sanctions) for deceptive or unfair practices per year	Low enforcement activity (few actions in 2024)	Annual increase in enforcement actions (2025–2030)	Regulatory enforcement reports (sector regulators)	Sector regulators; Kenya Consumer Protection Agency	Annual
Ensure safe packaging and accurate advertising	Compliance rate of products and advertisements with packaging/labelling and marketing standards	Low levels of compliance in sample inspections (2024)	90% compliance by 2030	Inspection reports (KEBS, KEPHIS, CA, etc.)	KEBS; Sector regulators; Kenya Consumer Protection Agency	Annual
Address environmental health and climate risks	Number of consumer education campaigns on sustainable consumption and pollution per year	No targeted campaigns (2024)	1 campaign per year by 2026	Campaign reports; media coverage	Ministry of Environment; NEMA; Ministry of Trade; Kenya Consumer Protection Agency; NGOs; Academia/Research partners	Annual
Protect vulnerable consumer groups	Number of consumer protection initiatives targeting vulnerable groups (women, youth, PWDs) per year	No dedicated programs (2024)	5 targeted initiatives by 2030	Program/project reports	Kenya Consumer Protection Agency; State Department for Social Protection and Senior Citizen Affairs; NGOs/CSOs	Annual
Stakeholder engagement	Number of multi-stakeholder forums (government, business, consumer orgs) held per year	Limited engagement (few forums in 2024)	2 workshops per year by 2026	Workshop reports; meeting minutes	Kenya Consumer Protection Agency; business associations; NGOs	Biannual
Data collection and analysis	Consumer complaints database established and annual national consumer surveys conducted	Fragmented data; no central database (2024)	Database operational and first survey completed by 2025; annual surveys thereafter	Survey publications; database analytics	Kenya Consumer Protection Agency; KNBS	Annual
Consumer feedback mechanism	Consumer feedback portal/hotline established and usage tracked (number of submissions)	No unified feedback mechanism (2024)	Portal/hotline live by 2026	Portal logs; agency feedback reports	Kenya Consumer Protection Agency; Technical (ICT) Unit	Annual
International benchmarking	Comparative benchmarking report against OECD/UNGCP standards completed	No prior benchmarking (2024)	First report by 2026; updates every 3 years	Published benchmarking reports	Kenya Consumer Protection Agency; Research partners	3-yearly
Capacity building	Number of consumer protection training workshops for officials and stakeholders per year	Few training sessions (2024)	1 workshop per year by 2026	Training attendance records; partner reports	Kenya Consumer Protection Agency; Judiciary Training Institute.; Development partners; Academia/Research Partners	Annual

ANNEX IV: REFERENCES

National laws and regulations

1. Constitution of Kenya (2010)
2. Alcoholic Drinks Control Act (Cap. 121)
3. Anti-Counterfeit Act (Cap. 510)
4. Breast Milk Substitutes (Regulation and Control) Act (Cap.262)
5. Dairy Industry Act (Cap 336)
6. Consumer Protection Act (Cap. 501)
7. Competition Act (No. 12 of 2010)
8. Trade Descriptions Act (Cap. 505)
9. Standards Act (Cap. 496)
10. Weights and Measures Act (Cap. 513)
11. Data Protection Act (Cap. 411C)
12. Central Bank of Kenya Act (Cap. 491)
13. Banking Act (Cap. 488)
14. Kenya Information and Communications Act (Cap. 411A)
15. Kenya Information and Communications (Consumer Protection) Regulations (2010)
16. Access to Information Act (Cap. 7M)
17. Basic Education Act (Cap. 211)
18. Food, Drugs and Chemical Substances Act (Cap. 254)
19. Pharmacy and Poisons Act (Cap. 244)
20. Public Health Act (Cap. 242)
21. Fertilizers and Animal Foodstuffs Act (Cap. 345)
22. Insurance Act (Cap 487)
23. Capital Markets Act (Cap 485A)
24. Food, Drugs and Chemical Substances Act (Cap 254)
25. Pest Control Products Act (Cap 346)
26. Biosafety Act (Cap 321)
27. Health Act 2017 (Act No 21 of 2017)
28. Crops Act (Cap 318)
29. Kenya Meat Commission Act (Cap 363)
30. Kenya Plant Health Inspectorate Service Act (Cap. 349)
31. Meat Control Act (Cap. 356)
32. National Cereals and Produce Board Act (Cap. 338)
33. Seeds and Plant Varieties Act (Cap 326)
34. Hide, Skin and Leather Trade Act (Cap. 359)
35. Industrial Property Act (Cap. 509)
36. Bills of Exchange Act (Cap. 27)
37. Cooperative Societies Act (Cap. 490)
38. Kenya Deposit Insurance Act (Cap 487C)
39. Microfinance Act (Cap. 493 C)
40. National Payment Systems Act (Cap. 491A)
41. Retirement Benefits Act (Cap. 197)
42. Sacco Societies Act (Cap. 490B)
43. Computer Misuse and Cybercrimes Act (Cap. 79C)
44. Carriage by Air Act (Cap. 394)
45. Civil Aviation Act (Cap. 394)
46. Ferries Act (Cap. 410)
47. Kenya Airports Authority Act (Cap. 395)
48. Kenya Roads Act (Cap. 408)
49. Merchant Shipping Act (Cap. 389)
50. National Transport and Safety Authority (NTSA) Act (Cap. 404)

51. Traffic Act (Cap. 403)
52. Energy Act (Cap. 314)
53. Environmental Management and Co-ordination Act (EMCA) (Cap. 387)
54. National Construction Authority (NCA) Act (Cap 118)
55. Nuclear Regulatory Act (Cap. 243)
56. Petroleum Act (Cap. 308)
57. Tourism Act (Cap. 381)

National Reports and Strategies

1. Ministry of ICT, Digital Economy and Youth Affairs Strategic Plan 2023–2027
2. Agricultural Sector Transformation and Growth Strategy 2019–2029
3. Kenya National E-commerce Strategy 2023
4. National Cybersecurity Strategy 2022–2027
5. Kenya National Artificial Intelligence Strategy 2025–2030
6. Kenya National Digital Master Plan 2022–2032
7. Vulnerable and Marginalized Groups Framework 2023
8. Kenya Association of Manufacturers, Manufacturing Priority Agenda 2024
9. Ministry of Energy (Kenya), Kenya National Electric Cooking Strategy (2019)
10. Ministry of Energy (Kenya), Kenya Household Cooking Sector Study (2019)
11. Heinrich Böll Stiftung, Route to Food: Food Safety in Kenya Report (Nairobi, 2021)
12. Expogr Kenya, Kenya Building & Construction Market Analysis 2025 (2024)
13. Ministry of Industrialization, Trade and Enterprise Development (Kenya), Consumer Protection Advisory Committee Strategic Plan 2019–2020
14. UNFPA Kenya, Disability Inclusion (2022)

Regional instruments and protocols

15. EAC Treaty (Treaty for the Establishment of the East African Community)
16. Protocol on the Establishment of the East African Community Common Market
17. East African Community Competition Act (2006)
18. EAC Protocol on Sanitary and Phytosanitary (SPS) Measures
19. East African Food and Nutrition Security Policy
20. East African Standards (EAS) – harmonized regional standards
21. East African Regional Trade Policy (2021)
22. EAC Science, Technology and Innovation Policy (2022–2033)
23. EAC Protocol on Information and Communications Technology
24. East African Community E-Commerce Strategy (2022)
25. COMESA Treaty (Common Market for Eastern and Southern Africa)
26. COMESA Standards, Metrology, Conformity Assessment and Accreditation
27. COMESA Medium-Term Strategic Plan (2021–2025)
28. COMESA Sustainable Tourism Development Framework
29. COMESA Competition Regulations
30. COMESA Regulations on the Application of Sanitary and Phytosanitary Measures
31. COMESA Communication Strategy (2022–2025)
32. IGAD Food Safety Strategy (2022–2027)
33. AfCFTA Agreement (African Continental Free Trade Area)
34. African Union Agenda 2063: The Africa We Want (African Union Assembly Res A/RES/13(XV))
35. AU Model Law on Food and Nutrition Security in Africa
36. AU Child Online Safety and Empowerment Policy
37. AU Digital Transformation Strategy and Data Policy Framework
38. AU Continental Artificial Intelligence Strategy

Institutional frameworks and policy documents

58. Kenya Vision 2030
59. Kenya Medium Term Plans (MTPs)
60. Bottom-Up Economic Transformation Agenda (BETA)
61. National Trade Policy (2017)
62. Kenya Quality Policy (2024)
63. Competition Authority Consumer Protection Guidelines (Revised 2017)
64. Kenya National E-commerce Strategy (2023)
65. Kenya Cloud Policy (2024)
66. National Industrialization Policy 2012–2030
67. Kenya Health Policy 2014–2030
68. National Food Safety Policy (2013)
69. Draft National Food Safety Policy (2021)
70. National Phytosanitary Policy 2022
71. Kenya Bankers Association, Consumer Guide and Dispute Resolution Guidelines
72. Kenya National ICT Policy 2019
73. Digital Economy Blueprint 2019
74. National Addressing Policy 2023

International guidelines and conventions

1. United Nations Guidelines for Consumer Protection (UNGCP)
2. United Nations, Transforming our world: the 2030 Agenda for Sustainable Development (UNGA Res 70/1)
3. OECD Recommendations on Consumer Protection
4. WTO General Agreement on Trade in Services (GATS)
5. WTO Agreement on Technical Barriers to Trade (TBT)
6. WTO Joint Statement Initiative on E-commerce
7. UNWTO Global Code of Ethics for Tourism
8. UNESCO Guidelines for Digital Platform Governance
9. WHO Guidelines
10. ITU (International Telecommunication Union) guidance on e-commerce and consumer data protection
11. International Telecommunication Union (ITU) recommendations on online consumer transparency

International Reports

39. World Health Organization, WHO Model List of Essential Medicines (22nd edition, 2021)
40. Organisation for Economic Co-operation and Development (OECD), Recommendation of the Council on Consumer Protection in the Context of Electronic Commerce (Paris, 24 March 2016) (OECD/LEGAL/0406)
41. UN Convention to Combat Desertification (UNCCD), Global Food Security Index 2024: Africa (2024)
42. World Bank, Disability Inclusion Overview (World Bank, 2015)

DRAFT

