



ICT Consumers Association of Kenya

"enlightened consumers enjoying safe, affordable, high quality ICT services"

Kimathi Street, Eagle House, 2nd Floor, Nairobi, Kenya

Tel: 020-2013393 email: help@ictconsumers.org website: <http://www.ictconsumers.org>

24/11/2008

Through The Clerk,
National Assembly of Kenya
Parliament Buildings, Nairobi

The Hon. James Gordon Rege, M.P. (**Chairman**),
Energy, Communications & Public Works Committee Members,
The Hon. Kambi Kazungu, M.P.
The Hon. Maina Kamau, M.P.
The Hon. Wambugu Clement, M.P.
The Hon. Isaac Muoki, M.P.
The Hon. Kathuri Emilio, M.P.
The Hon. Ekwee Ethuro, M.P.
The Hon. Eng. Nicholas Gumbo, M.P.
The Hon. Charles Litechi Lugano, M.P.
The Hon. Edwin Ochieng Yinda, M.P.
The Hon. Charles Mutisya Nyamai, M.P.

RE: The Kenya Communications Act Amendment Bill: Memorandum of Views

The ICT Consumers Association of Kenya thanks the Honourable Members of the House for granting us audience.

After carefully studying the KCA Amendment Bill before the House our members noted with concern;

1. Minimal reference is given to Information and Communications Technologies consumers/users,
2. Absent provision facilitating realisation of ICT Policy (March, 2006) of consumers/users voice,
3. Ministerial, discretionary, appointment of consumer representation at the CCK Board,
4. Consumer Protection is left to subsidiary, discretionary, legislation, by the Honourable Minister

Much aware of the composite of problems facing the ordinary ICT consumer, on a daily basis, our members are worried and concerned with current situation and future plight of consumers, unless all stakeholders, and especially service providers, uphold the "customer is king" principle and are put to account by centre-staging the consumer at the forefront of this Bill.

Recalling the Constitutional Right to communicate, receive and express opinion and information, and that the Universal Declaration of Human Rights states, "everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers."

Conscious that communication is a Basic Human Right, the ICT Consumers Association proposes to the Honourable Committee as:-

1. Insertion of a clause establishing an independent consumer institution, such as, "ICT Consumer Bureau", "ICT Consumer Ombudsman", or other appropriately name ICT consumer person,

The institution shall, among others,

2. collect and collate consumer public complaints,
3. ensure those complaints reach the concerned parties, and
4. in collaboration with Communications Commission of Kenya, ensure remedial action is taken
5. report back on Affordability, Quality of Service, and Customer care services,
6. coordinate the organisation of "Annual Broadband Hearings" where all stakeholders report back to the Honourable House of their commitment, targets, and progress towards Universal Access to communication for all through out Kenya,
7. explore alternative community-based ICT services in supporting un-served or the under-served,
8. liaise with appropriate government agencies, private sector, and consumers well-wishers on improving ICT services throughout Kenya,
9. Continually review consumer trends and inform, advice, publish and/or through various other public communication disseminate consumer protection information, in line with the ICT Policy

Funding:

This institution shall be funded from new Universal Access/ Universal Service Fund managed by CCK.

Anchor:

The institution may be anchored under the Ministry of Information and Communications, reporting to the Honourable Minister and/or frequently reporting to the House Committees on Communication, and shall work with other relevant Consumer Protection authorities.

Office Bearers:

As Honourable Members may deem fit.

Sincerely,



Alex Gakuru,
Chairman, ICT Consumers Association of Kenya