



THE NEXUS BETWEEN CONSUMER PROTECTION AND HUMAN RIGHTS UNDER THE FEDERAL COMPETITION AND CONSUMER PROTECTION ACT OF NIGERIA

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ABSTRACT

The Federal Competition and Consumer Protection Act (FCCPA) 2018, establishes a foundational link between consumer protection and human rights in Nigeria by embedding market fairness mechanisms that safeguard fundamental human dignity and economic rights, prohibiting exploitative practices which directly protect consumers' rights to life, health, and dignity. The Act operationalizes Article 16 of the African Charter on Human and Peoples' Rights which guarantees the right to health. This aligns with global academic perspectives that view consumer protections as extensions of human rights to adequate living standards. Provisions with human rights implications are: prohibition of monopolies which prevents market exclusion, safeguarding SMEs' right to economic participation. Price regulation that ensures access to essential goods at fair prices, critical for poverty alleviation and to bring an end to hunger; achieve food security and improved nutrition which is topmost on the list of the sustainable development goals and Consumer safety standards. The Constitution of Nigeria does not recognize consumer rights as justiciable human rights, the FCCPA bridges this gap by inferring protection from Chapter II's Directive Principles addressing adequate standard of living and adopting a comprehensive approach to violations, a right based enforcement model. The intersection highlights how competitive markets and consumer safeguards under the FCCPA serve as vehicles for realizing Nigeria's human rights commitments.

Keywords: *Consumer, Protection, Human Rights, SDGS*

1. INTRODUCTION

Consumer protection in any facet is not ordinarily a matter of economic policy but one that cuts across deeply with the recognition and enforcement of fundamental human rights. Consumer protection is fundamentally seen as a human rights issue because it protects the safety, health, and dignity of individuals in the market place. The consumer in recent times is no longer seen as a passive participant in the market place but as a rights-bearing actor who is embedded with dignity, justice, fairness, and deserving of protection from unscrupulous market elements. In Nigeria, this overlap is made prominent in the Federal Competition and Consumer Protection Act, 2018¹ which is a progressive legislation that spells out the rights of consumers in the market place.

This paper exposes the nexus between consumer protection and human rights in the Nigerian context, particularly under the legal umbrella of the FCCPA. It interrogates how the Act

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¹ Hereinafter referred to as FCCPA.

operationalizes rights-based principles and aligns them with Nigeria's obligations under local and international human rights law. The premise of this article is that consumer protection cannot be treated in isolation from broader human rights discourse. Every time a consumer is supplied with shoddy products and services or is being denied the worth or value of the money spent for the purchase of goods and services, or where a consumer is being misled, endangered, or denied access or non-disclosure of vital information, a fundamental right aligning to that fraudulent activity is being violated.

Economic regulation typically focuses on fairness, transparency, and competition, human rights on the other hand hinges more on dignity, equality, and justice. The convergence of these fields demands a deeper understanding of the consumer not just as a market participant but as a human being entitled to protection and empowerment.

This article proceeds by first demystifying the concepts of consumer protection and human rights. It progresses to discuss the evolution and content of the FCCPA, highlighting the rights it confers. Subsequent sections delve into the human rights dimensions of the Act, the institutions established for its enforcement, comparative experiences from other jurisdictions, challenges to enforcement, and finally, key recommendations.

2. CONCEPTUAL FRAMEWORK

In order to fully appreciate the Intersection between consumer protection and human rights under the FCCPA, it is important to first define the key concepts that form the foundation of this nexus.

2.1 Consumer

A consumer is said to be someone who buys goods and services for personal use or need.² The consumer is equated to a person who buys any goods for consideration which has been paid or promised or partly paid and partly promised or under any system of deferred payment, when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or hires or avails of any service for a consideration which has been paid or promised or partly paid and partly promised, or under any system or deferred payment, when such services are availed of with the approval of the first mentioned person, but, does not include a person who avails of such service for any commercial purpose.³

The Federal Competition and Consumer Protection Act⁴ provides that the consumer is any person who purchases or offers to purchase goods otherwise than for the purpose of resale but does not include a person who purchases any goods for the purpose of using them in the production or

² M Robinson, *Chambers 21st Century Dictionary*, (Chamber Harrap Publishers Ltd 1999) 294.

³ Consumer Protection Act 2019 (India), s 2(7) 5 2018, s 167(1).

⁴ 2018, s 167(1).



manufacture of any other goods or articles for sale; to whom a service is rendered.⁵ In other words, any purchaser of a product of which there is going to be an improvement on that product, or a product used to manufacture a finished product will not be tagged as a consumer as long as there is going to be an improvement on the product. This succinctly affirms that materials or products purchased for the production of other items if defects are encountered, such anomaly cannot be addressed under the consumer protection regime. Also, the restriction of parties to a contract of sale is actually limiting in the sense that the current trend with regards to consumer protection extends protection to the end user of products and services.

The FCCPA also provides that in the case of goods of a type ordinarily supplied for private use or consumption, where loss or damage arises from the goods proving defective while in consumer use or results from the negligence of an undertaking concerned in the manufacture or distribution of the goods, liability for the loss or damage cannot be excluded or restricted by reference to any contract term or notice contained in or operating by reference to a guarantee of the goods.⁶ Goods are to be regarded as “in consumer use” when a person is using them or has them in his possession for use, otherwise than exclusively for the purposes of a business.⁷ One can deduce from the last phrase that goods may be taken as consumer goods even when they are utilized for business though not exclusively. This contradicts the provision of section 167 which excludes from the definition of consumer persons who purchased goods for business or production purposes. This contradiction can be resolved if the two sections are interpreted in line with each other. The Supreme Court of Nigeria also upholds the fact that a person who buys goods for the purpose of self-employed business could institute an action against the offender.⁸ In the supreme court case, the respondent was constantly being addressed as a consumer despite the fact that the purchased goods was earmarked for business.⁹

The above postulations would invariably lead one to deduce that a purchaser or subscriber of goods and services both for private and business use would be treated as a consumer. In a broader sense, a consumer encapsulates individuals who engage in the act of purchase of goods and services in a varied aspect like at the banking sector, aviation sector, electricity sector and the telecommunications section. Any form of impediment on the supply of shoddy product or service to the consumer amounts to an infringement of consumer rights.¹⁰

In line with the Nigerian Constitution, the term consumer is not expressly defined or specifically recognized as a constitutional category under the Constitution.¹¹ Consequently, its meaning must

⁵ Consumer Protection Act 2019 (India) (n 2).

⁶ (n 2) s 137 (2) (a).

⁷ *ibid*

⁸ *Nigerian Bottling Co.(Nig.) Ltd. v Constance Ngonadi* (1985)1NWLR (Pt 4) 737.

⁹ F Monye, *Law of Consumer Protection* (2nd edn,2021)39.

¹⁰ *Emphasis mine*

¹¹ Constitution of the Federal Republic of Nigeria 1999 (as amended).

be understood by reference to existing legislation, particularly the FCCPA, while also considering the fundamental rights protected under Chapter IV of the Constitution.

Unlike the FCCPA, the Nigerian Constitution does not contain an express definition of “consumer.” More importantly, consumer rights are not expressly enumerated as fundamental rights in Chapter IV. Nevertheless, consumers are indirectly protected through several constitutionally guaranteed rights, for instance, Section 33¹², which protects the right to life, has considerable relevance to consumer protection. The sale of dangerous food, contaminated products, defective vehicles, unsafe medicines, or hazardous goods can threaten the life of a consumer which may lead to a consumer needing to seek redress. Also, Section 34,¹³ which protects the right to dignity of the human person, may provide constitutional support against commercial practices that subject consumers to degrading, abusive, or exploitative treatment.

Considering the constitutional point of view, it is important to differentiate between consumer rights as statutory rights and consumer rights as human rights. Under the present constitutional framework, a person does not become constitutionally protected simply because he or she is a consumer. Rather, the individual enjoys constitutional protection by virtue of being a human person, and all human persons are entitled to protection, while the particular consumer transaction may activate statutory protections under the FCCPA and other legislation.

Thus, where a consumer purchases a defective product, the immediate legal claim may arise under consumer protection legislation. However, where the defective product causes serious injury or threatens life, the matter may also raise constitutional questions concerning the individual's fundamental rights. This creates an important gap in Nigerian law. The Constitution recognizes fundamental rights that can protect consumers indirectly, but it does not expressly recognize the consumer as a distinct constitutional rights-holder.

This is significant because modern consumer relationships create a strong nexus between consumer protection and human rights provisions under the constitution and such relationships extend beyond traditional purchases of physical goods. Consumers increasingly interact with online platforms, telecommunications service providers, banks, airlines, healthcare providers, online retailers, and other service providers and a contemporary understanding of a consumer is therefore protection against unsafe goods and services.

Therefore, for purposes of an argument for instituting consumer rights as human rights under the Constitution, the term *consumer* can be defined as:

¹² CFRN 1999 (as amended).

¹³ *ibid.*



A person who, in the ordinary course of living or carrying out a business transaction, purchases, uses, or benefits from goods or services supplied, and whose interests are entitled to protection where the quality, safety, fairness, accessibility, or manner of supply of such goods or services affects the person's constitutionally protected interests and human dignity. This definition is particularly useful because it shifts the focus from merely commercial transactions to the human being whose interaction with a commercially viable product or services would have been affected by such transaction. Consequently, the absence of an express constitutional definition of consumer does not necessarily mean that consumers are without constitutional protection in Nigeria. Rather, consumer protection currently operates through a combination of statutory rights under the FCCPA and indirectly applicable fundamental rights under Chapter IV of the Constitution.

2.2 Consumer Protection

Consumer protection refers to the set of laws, policies, and institutional mechanisms put in place to safeguard the interests of consumers against unfair trade practices, substandard goods, exploitative contracts, misinformation, and health or safety hazards in the marketplace. At its core, consumer protection ensures that consumers are treated fairly and are not vulnerable to abuse by powerful corporate actors or service providers. It is an act of safeguarding the interests and rights of consumers of products and services.¹⁴ Similarly, consumer protection can also be viewed as the body of legal rules, policies and remedies designed to safeguard the interest of consumers against unsafe, defective, deceptive, exploitative or unfair goods and services, while guaranteeing access to adequate information, freedom of choice, fair treatment and effective redress mechanism.

From a human-rights perspective, however, consumer protection goes beyond the protection of economic interests. It protects fundamental interests that are closely connected with human dignity. For instance, the supply of a dangerous drug, adulterated or diseased food or defective product may threaten not merely a consumer's contractual interests but his or her right to life. This is possible where an unsafe or defective goods cause death or create a serious risk to life, consumer protection intersects directly with the constitutional right to life.¹⁵ Also, where an unfair, abusive or exploitative treatment of consumers may raise questions concerning the dignity of the human person.¹⁶ This makes consumer protection capable of being interpreted as an important part of the protection of human rights, even though the 1999 Constitution does not expressly list “consumer rights” as a separate category of fundamental rights

Thus, this brings to the forth the constitutional argument that consumer protection is not necessarily a completely independent constitutional right; rather, it can serve as a means through which existing fundamental rights are protected in the marketplace.

¹⁴ Felicia Monye, *Law of Consumer Protection*, (2021) 1, 2nd Ed. Statutory Liability (2nd edn, Krafts Book Limited, 2021) 44.

¹⁵ (n 12) s 33.

¹⁶ *ibid*, s 34.

2.3 Human Rights

Human rights are the basic rights and freedoms that belong to every person, regardless of nationality, gender, race, religion, or economic status. Human rights are seen as inherent, inalienable rights regardless of religion, sex or ethnic origin.¹⁷ These rights are enshrined in various international instruments such as the Universal Declaration of Human Rights¹⁸, the International Covenant on Civil and Political Rights¹⁹ and the African Charter on Human and Peoples' Rights, all of which Nigeria has ratified. These are aspects of Human Rights:

- Right to life²⁰, Right to health which is enshrined in the International Covenant of Economic, Social and Cultural rights (ICESCR)²¹, Right to information²²; Right to dignity and fair treatment. In Nigeria, these rights are domesticated primarily through Chapter IV of the 1999 Constitution, which guarantees rights such as the right to life, personal liberty, privacy, and protection from inhuman treatment.²³ Human rights provide a broader normative foundation for protecting individuals in their interactions with producers, manufacturers, suppliers and service providers which can also be viewed as consumer rights, these consumer interests are closely connected with constitutionally protected rights.

3. LEGAL BASIS OF CONSUMER PROTECTION IN NIGERIA IN THE CONTEXT OF HUMAN RIGHTS

Consumer protection in Nigeria is founded on a combination of constitutional provisions, legislation, subsidiary legislation, common law principles, the law of tort, and judicial decisions. This invariably follows that the Constitution of the Federal Republic of Nigeria is relevant to consumer Protection.²⁴ This is absolutely correct in line with the fact that the constitution is the grund norm and every law derives its validity from the provisions of the constitution.²⁵ The constitution governs relationship between citizens and government and managers of the Nigerian resources like the agencies. It confers rights and obligations some of which are related to the rights advocated under consumer protection regime. This constitutional framework is supplemented principally by the FCCPA, which is the principal legislation governing consumer protection in Nigeria.

¹⁷ United Nations, *Human Rights, Office of the High Commissioner* < <https://www.ohchr.org/en/what-are-human-rights#:text=Human%20rights%20are%20rights%20we,of%20international%20human%20rights%20law.> > Accessed 02/5/2025.

¹⁸ UDHR.

¹⁹ ICCPR.

²⁰ UDHR art 3.

²¹ ICESCR, art 12.

²² ICCPR, art 19.

²³ *ibid.*

²⁴ (n 15) 4.

²⁵ (n12) s 1.



a) Constitutional basis of Consumer Protection

The first and most fundamental legal basis for consumer protection is the Constitution. The Constitution did not set aside a special provision entitled “consumer rights. However, consumer protection can be connected with several rights guaranteed under Chapter IV.

i) Right to life

Section 33 provides for the right to life.²⁶ This provision has a direct connection with consumer protection where goods or services are capable of causing death or serious bodily harm. Foods that are disgusting diseased and defective products, dangerous drugs and other hazardous products can expose consumers to risks to their lives. Consequently, the State's obligation to protect consumers from dangerous products can be understood as complementary to the constitutional protection of life. This principle is particularly illustrated in a Nigerian case where the Supreme Court dealt with injuries resulting from an exploding refrigerator. The case recognized liability arising from the supply of defective goods and applied the principle that goods supplied for a particular purpose should be reasonably fit for that purpose.²⁷

Applying the human-rights perspective, the importance of the supreme court decision is that protection against defective products ultimately protects physical safety and human life, rather than merely contractual expectations. Under the FCCPA, Section 17 requires that all goods and services made available to the public must be safe for use and not expose consumers to unreasonable risks. This provision aligns directly with the right to life and personal security. For example, a consumer injured by a faulty product or fake drug is not only a victim of poor regulation but may also have suffered a violation of their right to life and health. The FCCPA empowers the FCCPC to recall, ban, or investigate harmful products and prosecute undertakings whose negligence endangers lives, reinforcing the protective role of the state. This was illustrated in a Nigerian case²⁸ an important Federal High Court decision concerning the investigative powers of the FCCPC. In that case, the Premiere Academy challenged the Commission's investigation concerning circumstances surrounding the death of a student and argued, among other things, that a police investigation prevented the FCCPC from investigating the matter. The Federal High Court dismissed the claim and affirmed the FCCPC's statutory powers to investigate consumer protection issues.

The Court recognised that the Commission's investigation could coexist with a criminal investigation by the police. It also affirmed that courts should not prevent a statutory regulatory body from performing functions lawfully assigned to it by legislation. The case demonstrates that consumer protection under the FCCPA is sufficiently broad to encompass the duty of care owed by institutions providing services to consumers. It also demonstrates that the FCCPA operates

²⁶ (n 12)

²⁷ *Nigerian Bottling Co. Ltd v Ngonadi* (1985) 1 NWLR (Pt 4) 739,

²⁸ *Premiere Academy Ltd v Federal Competition and Consumer Protection Commission & Ors* (2022) FHC/ABJ/CS/26

consistently with broader constitutional principles of accountability and protection of human lives.

ii) Right to dignity

Section 34 protects the dignity of the human person.²⁹ It entails that consumers as humans should not be subjected to abusive, degrading, coercive or exploitative practices in the marketplace. Although Section 34 does not expressly create a constitutional “right to consumer protection,” its protection of human dignity provides a basis for interpreting certain forms of consumer exploitation as matters of fundamental rights rather than merely contractual or commercial disputes. Consumer protection can be connected with this right where consumers are subjected to abusive, degrading, coercive or exploitative commercial practices.

The modern concept of consumer protection therefore recognizes that consumers are not merely parties to commercial transactions, they remain human beings whose dignity must be respected in the marketplace.

iii) Right to fair hearing

An effective consumer-protection regime must provide consumers with accessible mechanisms through which complaints can be investigated and disputes determined fairly.³⁰ This constitutional guarantee complements the FCCPA's enforcement and redress mechanisms. The FCCPA expressly provides for enforcement of consumers' rights by consumers, the Commission and the courts.

iv) Right to privacy

Section 37 guarantees right to privacy.³¹ This has become increasingly relevant to consumer protection in the e-commerce dimension. Consumers now provide personal and financial information to banks, telecommunications companies, online retailers and digital platforms. This may expose consumers' data to cyber security issues like improper collection or disclosure of consumer information. Consequently, protection against the improper collection, disclosure or misuse of consumer information has both a consumer-protection and human-rights dimension because this is both provided for in the Constitution and the FCCPA.

v) Right to own property

Section 43 protects the right to acquire and own immovable property.³² More broadly, consumer transactions involve the expenditure and transfer of property and money. Fraudulent or unfair

²⁹ (n 12)

³⁰ *ibid*, s 34.

³¹ *ibid*

³² *Ibid*



commercial practices can therefore affect consumers' legitimate property interests. This provides another point of intersection between constitutional rights and consumer protection.

b) The Federal Competition and Consumer Protection Act (FCCPA), 2018³³

The enactment of the FCCPA in 2018 was a transformative development. The Act repealed the CPC Act and merged consumer protection and competition regulation into a single legal and institutional framework. It established the Federal Competition and Consumer Protection Commission (FCCPC) and a dedicated Competition and Consumer Protection Tribunal. Its objectives include facilitating access to safe products and securing the protection of consumer rights. Part xv contains a lengthy list of the rights of consumers in transactions involving the supply of goods and services.³⁴ These provisions demonstrate that Nigerian consumer law has moved beyond the traditional caveat emptor approach towards a system that places positive obligations on producers, suppliers and service providers.

3) HUMAN RIGHTS AS REFLECTED IN THE FCCPA

This heading discusses some aspects of human rights as reflected under the FCCPA, viz:

a) Right to Information:³⁵

The FCCPA mandates that consumers must be provided with clear, accurate, and sufficient information to make informed choices. It criminalizes false, deceptive, or misleading advertising. This echoes the provision of the Nigerian Constitution³⁶, which guarantees freedom of expression and access to information, and also reflects the provision of the ICCPR³⁷, which underscores the right to seek, receive, and impart information. Misleading product labels, lack of warnings, or deceptive contracts are not only regulatory breaches, but they infringe on consumers' ability to make informed decisions, which is central to both their autonomy and dignity.

b) Right to Choice

A fundamental aspect of consumer empowerment is the right to choose freely among a variety of goods and services. The FCCPA prohibits monopolistic and anti-competitive practices³⁸ ensuring that consumers are not forced into one-sided market relationships. This right to choice reinforces economic freedom, a concept linked to human rights in both UN and African regional charters. Consumers trapped in monopolies or collusion-based price-fixing schemes are often denied this autonomy. The FCCPA promotes market liberalization, ensuring that all citizens have equal access to products and services that reflect their preferences, needs, and income levels.

³³ Federal competition and Consumer protection Act, 2018

³⁴ *ibid*, s 114-131

³⁵ *ibid*, s 115.

³⁶ CFRN 1999 (as amended), s 39.

³⁷ art 19.

³⁸ s 69–76.

c) Right to Redress and Fair Hearing

Consumers under the FCCPA have the right to lodge complaints, demand compensation, and seek justice when wronged. Section 130 of the Act provides for the resolution of consumer disputes and enforcement of remedies. This aligns with Section 36 of the Constitution, which guarantees access to justice and fair hearing, and Article 7 of the ACHPR, which ensures the right to be heard before a competent tribunal.

Through the Federal Competition and Consumer Protection Tribunal, aggrieved consumers can enforce their rights without long bureaucratic delays. This marks a shift toward more human-centered regulation, where justice is not limited to corporations but extends directly to individuals. In 2025, the Competition and Consumer Protection Tribunal³⁹ considered the appeal brought by Meta and WhatsApp against the FCCPC's enforcement order. The Tribunal substantially upheld the FCCPC's findings and imposed an administrative penalty of US\$220 million against Meta Platforms Incorporated and WhatsApp LLC. Among the issues considered were consumer data practices, privacy policies, fair hearing and the constitutional limits of the Commission's powers. The Tribunal found that the FCCPC had complied with applicable law and had afforded the companies adequate opportunity to be heard. The case demonstrates the relationship between consumer protection and constitutional privacy and fair-hearing principles. It also illustrates how the FCCPA operates in the digital economy, where consumer rights increasingly involve personal information and data practices.

d) Right to Education and Awareness

An often overlooked right in consumer law is the right to consumer education. The FCCPA⁴⁰ mandates the Commission to undertake programs that educate and inform consumers of their rights, risks, and responsibilities. This reflects the broader human right to education as protected in the Constitution⁴¹ and the African Commission on Human and Peoples' Rights.⁴² An informed consumer is empowered, less likely to be exploited, and more capable of participating in economic life with dignity. Through awareness campaigns, hotlines, and digital education platforms, the FCCPC fulfils a democratic function, ensuring that knowledge is not a privilege but a right.

e) Equality and Non-Discrimination

The FCCPA⁴³ protects all categories of consumers, including vulnerable and disadvantaged groups, against exploitation. It emphasises fair treatment for all, and the Commission actively addresses practices that disproportionately affect the poor or uneducated. This resonates with the provision

³⁹ *Meta Platforms Inc & WhatsApp LLC v FCCPC* (2024) CCPT/APP,2.

⁴⁰ FCCPA, s 17(g).

⁴¹ s 18.

⁴² ACHPR, art 1.

⁴³ (n 41) s 17.



of the Constitution⁴⁴, which guarantees freedom from discrimination, and the stipulations of the ACHPR⁴⁵, which mandates equality before the law. Whether it is digital financial services or rural agriculture supply chains, consumer protection is being recognized as an equalizer, reducing social and economic inequalities.

4) The FCCPA as an instrument for actualising Constitutional values

It is necessary, notwithstanding, to distinguish between constitutional human rights and statutory consumer rights.

Not every consumer right provided in the FCCPA is automatically a fundamental right under Chapter IV of the Constitution. Rather, the FCCPA provides specific statutory protections that may support, complement and give practical effect to constitutional rights. The Constitution remains the supreme law under the Nigerian constitutional framework, while the FCCPA operates as a special legislation regulating competition and consumer transactions. The FCCPA itself describes its purpose in terms of promoting fair and efficient markets and facilitating access to safe products and protection of consumer rights.

The fundamental observation is that consumer protection and human rights are complementary rather than mutually exclusive areas of Nigerian law. The consumer is not merely an economic actor purchasing goods or services; the consumer is first and foremost a human being whose life, dignity, privacy, property and other interests may be affected by commercial transactions. The FCCPA therefore performs an important human-rights-supporting function. Its provisions on consumer safety, information, fair treatment, protection from unfair practices and access to redress provide concrete legal mechanisms through which broader constitutional values can be realized.

The nexus between consumer protection and human rights under Nigerian law is tied towards the capacity of the FCCPA to translate constitutional values, particularly the rights to life, dignity, privacy, equality, property and fair hearing into practical protections within consumer transactions. Although consumer rights under the FCCPA are principally statutory rather than independent fundamental rights, their effective enforcement advances the constitutional objective of protecting the individual against conduct that threatens human dignity, autonomy, safety and economic security.

5) INSTITUTIONAL FRAMEWORK FOR ENFORCEMENT OF CONSUMER RIGHTS IN NIGERIA.

The effectiveness of any rights-based law depends not just on what the law provides but on how well it is enforced. The Federal Competition and Consumer Protection Act create a multi-layered

⁴⁴ (n 37) s 42.

⁴⁵ (n 43).

institutional framework to ensure that consumer rights are protected, enforced, and accessible to all Nigerians. These frameworks are discussed hereunder.

a) The Federal Competition and Consumer Protection Commission (FCCPC)

At the core of enforcement is the FCCPC, established by the FCCPA⁴⁶. The Commission is the apex consumer and competition regulatory body in Nigeria. Its mandate includes:

- a) Investigating complaints of consumer rights violations;
- b) Issuing compliance orders;
- c) Conducting inspections, surveillance, and audits;
- d) Promoting awareness and public education;
- e) Sanctioning defaulting firms;
- f) Facilitating alternative dispute resolution.

The FCCPC functions both as a regulator and as a consumer advocate, combining administrative enforcement with consumer support services. Through its complaint portal, hotlines, and field investigations, the Commission has become an important access point for justice for ordinary Nigerians, particularly those who cannot afford formal litigation.

b) The Competition and Consumer Protection Tribunal

To enhance access to justice, the FCCPA established a specialized tribunal, the Competition and Consumer Protection Tribunal⁴⁷ under Section 39. It is empowered to:

- a) Hear appeals and resolve disputes;
- b) Impose administrative penalties;
- b) Award compensation and damages;
- c) Enforce compliance with FCCPC directives.

This tribunal serves as a quasi-judicial body that delivers faster and more affordable justice than regular courts. It marks a significant shift in ensuring timely redress, which is itself a human rights concern under Section 36 of the Constitution. Importantly, the tribunal has national jurisdiction, making it easier for consumers across all regions to have access to fair hearings.

6. Synergy with Human Rights Institutions

There is growing collaboration between the FCCPC and human rights bodies like the National Human Rights Commission⁴⁸ although not fully developed. This is particularly relevant for

⁴⁶ (n 41) s 3.

⁴⁷ CCPT.

⁴⁸ NHRC.



addressing discrimination in consumer access, protecting vulnerable groups e.g., persons with disabilities, the elderly, rural populations and investigating exploitative practices that affect social and economic rights. This synergy reinforces the idea that consumer protection is a human rights imperative, not just a market regulation tool.

The institutional framework under the FCCPA is robust and multi-faceted. It combines regulatory, judicial, administrative, and civil society mechanisms to ensure that consumer rights are protected as part of Nigeria's human rights architecture. However, the effectiveness of this system depends on continuous funding, political will, public awareness, and cross-sector collaboration.

7) COMPARATIVE PERSPECTIVES BETWEEN CONSUMER PROTECTION AND HUMAN RIGHTS MECHANISM.: SOUTH AFRICA AND THE EUROPEAN UNION

A comparative examination of South Africa and the European Union ⁴⁹demonstrates that consumer protection has increasingly developed beyond the traditional conception of protecting economic interests. In both jurisdictions, consumer protection is connected with broader values of human dignity, equality, autonomy, access to justice, privacy, health and effective remedies. The important difference is that South Africa approaches consumer protection principally through a constitutional framework, while the EU has gone further by expressly recognising consumer protection within its fundamental rights model

a) South Africa

South Africa provides one of the strongest African examples of the interaction between consumer protection and constitutional human rights. The Legislation of South Africa was enacted to promote a fair, accessible and sustainable marketplace, improve consumer information⁵⁰, prohibit unfair marketing and business practices, and establish a consistent framework for consumer protection and enforcement. The South African model is particularly significant because the CPA operates within a constitutional order in which human dignity, equality and freedom are foundational values.

Section 10 of the South African Constitution provides that everyone has inherent dignity and the right to have that dignity respected and protected. This principle has influenced the development of consumer and contract law. The connection is particularly evident in a case where the High Court recognised that consumer rights have a human-rights dimension, at least horizontally, and observed that the CPA protects consumer dignity, which is a fundamental constitutional right.⁵¹ The case also connected consumer protection with section 34, which guarantees access to a fair public hearing. This is important because it demonstrates that consumer protection is not merely about recovering

⁴⁹ EU.

⁵⁰ Consumer Protection Act 68 ,2008 (CPA).

⁵¹ *Nzwana v Dukes Motors t/a Dampier Nissan* (2019) ZAECGHC 81.

money after a defective transaction. It can also concern how the consumer should be respected as a person.

Also, Section 9 of the South African Constitution guarantees equality and prohibits unfair discrimination. The CPA complements this constitutional principle by protecting consumers against discriminatory treatment in consumer transactions. Consequently, the South African approach recognises that inequality of bargaining power can justify legislative intervention to protect vulnerable consumers. Furthermore, Section 34 of the South African Constitution provides a fundamental right of access to courts and other appropriate impartial tribunals or forums. This is particularly important in consumer disputes because consumer rights are ineffective if consumers cannot obtain affordable and accessible remedies. The decision of the court,⁵² is particularly instructive here because the court expressly connected consumer protection with section 34 and considered the statutory dispute-resolution structure under the CPA.

b) European Union

The European Union provides an even more explicit connection between consumer protection and human rights. The most important constitutional provision is contained in the Charter⁵³ which provides that: ‘Union policies shall ensure a high level of consumer protection’ Article 38 places consumer protection under Title IV of the Charter, dealing with solidarity.

This is particularly significant for the Nigerian debate because the EU demonstrates that consumer protection can be expressly incorporated into a fundamental rights instrument because unlike the Nigerian Constitution, the EU Charter expressly recognizes consumer protection within its fundamental rights framework. However, an important legal qualification is necessary: Article 38 is formulated as a requirement concerning Union policies, rather than as a conventional individual right identical to rights such as freedom of expression or privacy. The European Commission explains that EU institutions and national authorities are bound by the Charter when implementing EU law. Thus, the EU model occupies an important middle ground by constitutionally recognising consumer protection, but its legal operation is integrated with EU legislative and policy competences. Also, EU consumer law increasingly interacts with fundamental rights such as human dignity, privacy, protection of personal data, freedom of expression, equality and the rights of children.

Therefore, the EU approach has expanded consumer protection from the traditional question: ‘Was the consumer supplied with a defective product?’ to a broader question such as: ‘Was the consumer's autonomy, privacy or ability to make a free and informed choice manipulated’. The human-rights perspective lies in consumer autonomy. A consumer who receives adequate and

⁵² Ibid.

⁵³ Charter of Fundamental Rights of the European Union, art 38.



comprehensible information is better able to exercise independent choice. The South African experience demonstrates that consumer protection legislation can be interpreted within a broader constitutional framework of dignity, equality and access to justice while the EU architecture goes further by demonstrating the possibility of expressly recognizing consumer protection within a fundamental-rights framework.

The comparative analysis therefore supports the proposition that the FCCPA should not be viewed exclusively as an economic or competition statute. Its consumer-protection provisions can be understood as mechanisms for protecting interests that have a direct relationship with fundamental human rights. The comparative experiences of South Africa and the European Union demonstrate that consumer protection and human rights are increasingly interconnected. South Africa illustrates how constitutional values of dignity, equality and access to justice can inform consumer law, while the EU provides the stronger example of express constitutional recognition of consumer protection through Article 38 of the Charter of Fundamental Rights. For Nigeria, these models provide persuasive comparative support for the argument that consumer rights should be understood as having a human rights dimension. The FCCPA can consequently be interpreted not merely as regulating commercial transactions, but as protecting the consumer's dignity, safety, privacy, property and access to justice.

8) CHALLENGES TO EFFECTIVE IMPLEMENTATION

Despite the strengths of the FCCPA, several challenges hinder the full realization as a human rights tool: The challenges are discussed hereunder:

Many Nigerians are unaware of their rights under the FCCPA. This leads to underreporting of violations and acceptance of abuse as normal occurrence. A lack of awareness undermines the purpose of empowering consumers. Also, there is the issue of limited access to redress whereby rural and low-income consumers often face practical barriers to accessing the tribunal or filing complaints, including cost, illiteracy, or lack of connectivity. There is also the challenge of regulatory overlaps and weak coordination in which there is conflicts and overlap of functions between the FCCPC and other agencies e.g., NAFDAC, NCC, SON, sometimes create enforcement gaps. Clearer frameworks for collaboration are needed.

9. CONCLUSION

Consumer protection is not just a regulatory concern; it also centers on human rights needs. The Federal Competition and Consumer Protection Act of Nigeria go beyond market efficiency by embedding rights such as safety, information, choice, and redress into its framework.

This article has shown that consumer rights under the FCCPA corresponds directly to fundamental human rights guaranteed under Nigerian and international law. From the right to life to the right to

fair hearing, the FCCPA provides legal pathways through which consumers can assert their dignity and seek justice.

However, legal rights alone are insufficient without institutional enforcement, public awareness, and stronger access to remedies, especially for the most vulnerable. Comparative models such as those in South Africa and the EU offer Nigeria blueprints for deepening its consumer rights regime. As Nigeria's economy becomes increasingly digitised and globalised, the relevance of human-centered consumer protection will grow. Embedding human rights into the enforcement and interpretation of the FCCPA is essential for building a fair, inclusive, and just marketplace for all.

10. RECOMMENDATIONS

1. Constitutional and Statutory Recognition of Consumer Rights:

Nigeria should undertake progressive legal reforms to expressly recognise consumer protection as an important human-rights concern. The National Assembly should consider strengthening the constitutional and statutory framework by providing clearer recognition of consumer rights, particularly in relation to unsafe products, deceptive commercial practices, discrimination, exploitation and other practices that threaten human dignity and welfare. The provisions of the Federal Competition and Consumer Protection Act should also be reviewed periodically to address emerging forms of consumer abuse.

2. Strengthening the Enforcement Powers of Regulatory Institutions:

The enforcement capacity of consumer-protection institutions, particularly the Federal Competition and Consumer Protection Commission, should be strengthened through adequate funding, specialised personnel, technological infrastructure and effective investigative mechanisms. Regulatory agencies should be empowered to respond promptly to violations and impose effective sanctions that are sufficiently deterrent to businesses that engage in unfair or harmful practices.

3. Expansion of Consumer Education and Public Awareness:

Government and relevant regulatory agencies should establish sustained consumer-education programmes, particularly for vulnerable, rural and economically disadvantaged consumers. Such programmes should educate consumers on their statutory rights, available complaint mechanisms, product-safety requirements, contractual rights and avenues for obtaining redress. Consumer awareness would enhance the ability of individuals to identify, report and challenge exploitative commercial practices.

4. Improvement of Access to Justice and Consumer Redress Mechanisms:

Nigeria should develop simpler, faster and more affordable mechanisms for resolving consumer disputes. Alternative dispute-resolution mechanisms, small-claims procedures and accessible complaint platforms should be strengthened to reduce the financial and procedural barriers



associated with litigation. Effective remedies, including compensation, refunds, replacement of defective goods and appropriate sanctions, should be readily available to consumers whose rights have been violated.

5. Enhanced Protection of Vulnerable Consumers and Corporate Accountability:

Consumer-protection policies should give particular attention to vulnerable consumers, including children, persons with disabilities, elderly persons and economically disadvantaged groups. Businesses should be required to adopt stronger standards of transparency, product safety, fair dealing and responsible marketing. Regulatory authorities should also ensure that corporate entities are held accountable for practices that exploit vulnerable consumers or undermine their fundamental rights. These measures would promote a consumer-protection framework founded on human dignity, fairness, accountability and access to justice.