# POLICY BRIEF

# ADVOCATING FOR LEGAL REFORMS TOWARDS A ROBUST CONSUMER REDRESS FRAMEWORK

# SUMMARY

Despite recent legislative reforms expanding the Fair Competition Commission's (FCC) consumer protection mandate, procedural and structural barriers hinder the realization of meaningful redress for Tanzanian consumers. The FCC remains underutilized and inaccessible to the broader population, particularly marginalized groups. This policy brief outlines the underlying challenges, draws lessons from best practices, and recommends concrete reforms to improve access to justice for consumers.

# BACKGROUND AND CONTEXT

The Fair Competition Act (FCA) of 2003 was amended in October 2024 to empower the FCC with authority over consumer complaints, a role previously handled by the courts. However, the procedural instruments that guide the FCC's operations, such as the Complaint Handling Procedures issued in 2022, have not been updated to reflect the expanded mandate. As a result, some consumer complaints continue to be referred back to the courts. This practice limits the impact of the reforms.

Notably, despite FCC's significant role in protecting consumers. The institution has a limited reach to the public. According to the Legal and Human Rights Centre (LHRC)'s Human Rights and Business Report (2023/24), at least 35% of respondents had encountered substandard products, yet only 3% had reported their grievances to the relevant authorities. These data points reveal a systemic disconnect between consumer needs and institutional responses.

# PROBLEM STATEMENT

Despite the expanded legal mandate, the FCC continues to face operational constraints that prevent it from serving as an effective redress mechanism for consumers. By March 2025, the Commission had received only 83 complaints from ordinary consumers nationwide, as reported in the 2025/26 Budget Speech by the Ministry of Industry and Trade. These figures are disproportionately low in a country of over 60 million people.

These challenges disproportionately affect low-income households, rural populations, persons with disabilities, and the elderly, who face the greatest obstacles in accessing justice. The system, in its current form, fails to meet the broader goal of protecting consumers from unfair market practices.

The continued use of outdated procedures, designed for a limited mandate, creates procedural setbacks and denies consumers timely redress. This problem is exacerbated by a lack of direct compensation provisions, no fast-track procedures for low-value claims, and the absence of collective complaint mechanisms.

# ALIGNMENT WITH INTERNATIONAL BEST PRACTICES

Tanzania's commitment to consumer protection should align with global and regional standards, notably the UN Guidelines for Consumer Protection (2015) and the African Model Law on Consumer Protection (1996), which emphasize accessible redress, compensation, consumer education, and protection of vulnerable groups. These principles are only partially realized in practice.

Countries like South Africa, and the United Kingdom have adopted specialized tribunals, online redress platforms, and well-publicized consumer helplines to bridge the justice gap in market relations.

# POLICY RECOMMENDATIONS

## Subject to stakeholders consultations, and pursuant to its powers under Section 62(4) of the FCA, the FCC should issue updated Consumer Procedures to operationalize consumer complaint handling that

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### Introduce Tiered and Timely Resolution Mechanism

FCC should establish differentiated timelines for complaints based on complexity and value. For instance, low-value claims should be resolved within 30 days to reduce backlog and improve responsiveness.

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### Enable Direct Consumer Complaints

The procedures should include provisions for financial or in-kind remedies to consumers harmed by anti-consumer practices like the sale of substandard or unsafe goods

3

### Allow Group Based Consumer Complaints

The procedures should provide for collective redress by enabling consumers to lodge group complaints in cases of widespread or systemic violations.

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### Ensure Inclusive Access for Vulnerable Consumers

Design procedures that account for low-income households, persons with disabilities, the elderly, and rural populations. Use plain language, translate key materials into Swahili, and allow representation or support from legal aid and consumer groups.

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# CONCLUSION

To protect consumer rights in an evolving and increasingly complex market economy, Tanzania must move beyond legislative reform and focus on practical institutional adjustments. Updating outdated procedures, increasing public awareness, and enabling accessible redress mechanisms will ensure that the FCC serves its intended role protecting all consumers fairly and effectively.

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