

To be given the facts needed to make informed choice and to be protected against dishonest or misleading advertising and labeling. For example under the competition and Consumer Protection Act No.24 of 2010, it is an offence to engage in conduct that is likely to mislead the public that goods are of a particular origin, standard, quality, value, grade, composition, performance, style or model or have a particular history or previous use (Section 47).

**(iv) The right to Choose**

To be able to select from a range of products and services offered at competitive prices with an assurance of satisfactory quality.

**(v) The Right to be Heard**

To have consumer interests represented in the making and execution of government policy and in the development of products and services.

**(vi) The Right to Redress**

To receive a fair settlement of just claims, including compensation for misrepresentation, shoddy goods or unsatisfactory.

**(vii) The Right to Consumer Education**

To acquire knowledge and skills needed to make informed, confident choices about goods and services, while being aware of basic consumer rights and responsibilities and how to act on them.

**(viii) The right to healthy environment**

To live and work in an environment which is non-threatening to the well being of present and future generations.

Different countries have different consumer protection systems to suit their economic and social setting. Some countries have adopted all the eight rights while others have added more rights to the eight. The process of reviewing the rights is continuous and new rights are being included by various consumer movements and Governments.

Generally, consumer rights are based on the UN Guidelines on Consumer Protection and they remain persuasive to Governments.

In Zambia, the Government has set up the necessary legal and institutional frame work to protect consumers. Under part VII of the Competition and Consumer Protection Act which is administered by the Competition and Consumer Protection Commission. Various provisions aimed at consumer protection have also been adopted in other legislations such as the Food and Drugs Act and the Public Health Act.

Government efforts to protect consumers need to be complemented by equal effort from non-governmental organizations, the judiciary, legislature and mostly important the CONSUMER himself or herself.

Consumers whose rights have been violated can complain to the Competition and Consumer Protection Commission By:

- Coming in Person
- Writing (letter or email)
- Telephone

Further information can be obtained from:

The Executive Director  
Competition & Consumer Protection Commission,  
4<sup>th</sup> Floor Main Post Office,  
Cairo Road, P. O Box 34919  
Lusaka. Tel: 260-211-222787, 232657  
Fax: 260 -211-222789.  
Email: zcomp@ccpc.org.zm

or

P.O. Box 20158, Ground Floor Revenue House  
(former Nchanga House), Kitwe,  
Tel: 260 -212-221115,  
Fax: 260 -212- 221067  
email ccpcKitwe@zamnet.zm  
Website: www.ccpc.org.zm



**COMPETITION & CONSUMER PROTECTION COMMISSION**

*Protecting and Enhancing Competition and Consumer Welfare in the Economy for the Benefit of the people of Zambia*



**KNOW  
YOUR  
CONSUMER  
RIGHTS**

## Know your rights

- 1.0 The Competition and Consumer Protection Act No. 24 of 2010 defines a consumer as any person:

*“Who purchases or offers to purchase goods or services supplied by an enterprise in the course of business, and includes a business person who uses the product or service supplied as an input to its own business, a wholesaler, a retailer and a final consumer”.*

This brochure is not a substitute for the Act and the regulations and orders made under it, nor a definitive interpretation of the law. If you are not sure about how the law applies in the context of your particular situation, you may wish to seek legal advice



### 2.0 Background to Consumer Rights

Consumerism can be traced to 15<sup>th</sup> March 1962 when John F Kennedy, then president of the United States of America made a declaration to the US Congress on the need to protect consumers. He highlighted the challenges of a consumer saying, *‘They are the largest economic group, affecting and affected by almost every public and private economic decision. Yet they are the only important group ... whose views are often not heard.’*

It was against this background that John F Kennedy gave the American consumers four

basic rights. It was not until 1985, that the United Nations General Assembly adopted guidelines for consumer protection by consensus on 9<sup>th</sup> April 1985 (General Assembly Resolution 39/248).

The 1985 UN Guidelines for consumer protection (as expanded in 1999) provided a broad framework for UN Member States to develop and maintain strong consumer protection policy. According to Article II of the Guidelines, Governments should develop or maintain a strong consumer protection policy, taking into account the adopted guidelines and relevant international agreements. In so doing, each government was expected to set its own priorities for the protection of consumers in accordance with economic, social and environmental circumstances of the country and the needs of its population, bearing in mind the costs and benefits of any proposed measures.

Although consumer rights are not legally binding, they are provided for in the various provisions dealing with consumer protection.

The legitimate needs which the guidelines are intended to meet are the following:

- (a) The protection of consumers from hazards to their health and safety;
- (b) The promotion and protection of the economic interests of consumers;
- (c) Access of consumers to adequate information to enable them to make informed choices according to individual wishes and needs
- (d) Consumer education, including education on the environmental, social and economic impacts of consumer choice;
- (e) Availability of effective consumer redress ;
- (f) Freedom to form consumer and other relevant groups or organizations and the opportunity of such organization to present their views in decision-

making processes affecting them; and

- (g) The promotion of sustainable consumption patterns.

The consumer movement through Consumers International (CI) has adopted and interpreted the UN Guidelines and has come up with eight basic consumer rights, four of which were presented by JF Kennedy in his 1962 address. The rights are discussed below.

### 3.0 What are the Eight Basic Consumer Rights

#### (i) The right to satisfaction of basic needs

To have access to basic, essential goods and services: adequate food, clothing, shelter, health care, education, public utilities, water and sanitation. This means that every government should ensure that even the poorest of the poor access these basic needs.

#### (ii) The right to safety

To be protected against products, production processes and services which are hazardous to health or life. Governments must ensure that they adopt or encourage the adoption of appropriate measures including legal systems, safety regulations, national or international standards, voluntary standards and maintenance of safety records to ensure that products are safe for either intended or normally foreseeable use.

In Zambia, this has been addressed through 52 (1) of the Act which states

**“A person or an enterprise shall not sell any goods to consumers unless the goods conform to the mandatory safety standard for the class of goods set by the Zambia Bureau of Standards or other relevant competent body.”**

#### (iii) The right to be informed