

EXAMINATION OF THE LEGAL FRAMEWORK FOR PROTECTING FEMALE CONSUMERS FROM TECHNOLOGY-FACILITATED ECONOMIC ABUSE IN NIGERIA

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Abstract

Nigeria's booming fintech sector has expanded rapidly, but with severe downsides. Predatory digital lenders frequently access borrowers' phone contacts to publicly shame defaulters a manifestation of technology-facilitated economic abuse, also a subcategory of technology-facilitated violence. This paper assesses Nigeria's commercial financial regulation regime, data privacy legislation, and consumer protection framework vis-à-vis the state's capacity to protect female consumers against digital economic coercion and rights violations perpetrated by financial platforms. Employing a doctrinal and analytical legal research methodology, the paper evaluates key statutory frameworks - including Central Bank of Nigeria consumer protection regulations, the Nigeria Data Protection Act 2023, the Cybercrimes Act, and the Violence Against Persons (Prohibition) Act. It situates this legal analysis within peer-reviewed socio-legal and criminology literature, as well as relevant Nigerian and regional case law. Documented evidence from investigative journalism, regulator disclosures, and civil society reports illustrates the doctrine in practice. Drawing on published reports, regulatory statements, and academic literature, the paper demonstrates that current regulation is overly siloed and makes the case for an integrated framework. Current enforcement of data privacy laws fails to address gendered data weaponisation, such as exposing personal contacts to harass female borrowers, leaving available civil and criminal remedies doctrinally uncertain and fragmented. The paper introduces an innovative, interdisciplinary legal approach advocating for gender-sensitive consumer protection criteria, enhanced data privacy enforcement, and expanded remedies for victims of digital economic abuse.

Keywords: Fintech Regulation, Digital Lending, Consumer Protection, Financial Inclusion, Female Consumers.

1. Introduction

While the Nigerian Fintech ecosystem has witnessed a remarkable growth in financial inclusion at a level unmatched anywhere else in Africa, the achievement of inclusion has been severely skewed by gender. In 2023, there was a gap of eleven (11) per cent between the financial inclusion rates of women and men, a figure that represented a wider gap compared with what was seen in the three years that preceded it.¹ The solution touted for the millions of women who were not able to access credit through traditional banks, either due to collateral or other reasons, was digital credit and mobile lending.² The same digital architecture which has made it easier for people to access credit has made it easier to commit under-regulated harm, which is weaponising a borrower's personal contacts against them, usually by shaming them, typically in a way that involves the use of their personal information by a lending platform to prompt the loaner to pay back or just to punish that borrower for the default.³

Technology-facilitated GBV in its more general forms, as well as its variant with a financial logic, is now well documented in international literature. The empirical research on technology-facilitated domestic and sexual violence that Henry, Flynn and Powell synthesise has left them with a disturbing picture: digitally mediated forms of abuse are not uncommon, are most frequently perpetrated by men, and are a seamless extension of (but not distinct from) coercive control that occurs offline.⁴ In the Nigerian digital lending context, the continuity of harm as a coercive instrument is not a partner spying on phone, it is the deliberate collection of a borrower's contact list by a lender, and the harm is not just reputational and psychological, but economic as well: the borrower's standing in the family, marital and community networks are being destroyed as a result of the lender's actions.

This paper reviews whether the current commercial financial regulation, data protection law and criminal and civil sanctions in Nigeria are sufficient to address the protection needs of female

¹ Women's World Banking, 'Financial Inclusion in Nigeria: NGX Regulation Limited Case Study' (4 February 2025), citing EFINA (2024), available at <https://www.womensworldbanking.org/insights/financial-inclusion-in-nigeria-ngx-regulation-limited-case-study/>, accessed 20 August 2026.

² EFINA, 'Beyond Access: Turning Financial Inclusion into Financial Resilience in Nigeria' (2025), reporting the 2023 Access to Financial Services in Nigeria (A2F) survey.

³ Suzie Dunn, *Technology-Facilitated Gender-Based Violence: An Overview* (Centre for International Governance Innovation Supporting a Safer Internet Paper, 2020), 3-6.

⁴ Nicola Henry, Asher Flynn and Anastasia Powell, 'Technology-Facilitated Domestic and Sexual Violence: A Review' (2020) 26(15-16) *Violence Against Women* 1828, 1828-1832.

consumers against the type of economic coercion that occurs through digital means, and in particular GBV. Part 2 reviews the literature on gendered economic abuse and digital financial exclusion. Part 3 outlines the anatomy of economic abuse in Nigeria as facilitated by technology. Part 4 critically examines the current legal and regulatory regime in three aspects: financial regulation, data protection and criminal and civil remedies. In Part 5, the contribution of feminist advocacy and civil society to addressing gaps in regulation is discussed. Proposals for reforms are made in Part 6, and conclusions are given in Part 7.

2. Literature Review

The academic literature on economic abuse offers the clearest doctrinal and empirical foundation for understanding why the harassment inflicted by Nigerian digital lenders on defaulting borrowers is not merely an aggressive debt-recovery tactic but a recognised form of gendered harm. Adams, Sullivan, Bybee and Greeson's foundational Scale of Economic Abuse established that abusers use control over a partner's economic resources, not physical violence, as an independent and measurable mechanism of coercion, distinct from but frequently co-occurring with psychological abuse.⁵ Postmus, Plummer and Stylianou's revision of that scale further disaggregated the construct into economic control, economic exploitation and employment sabotage, showing that the exploitative extraction and weaponisation of a victim's personal and financial information is a recurring, identifiable sub-type of economic abuse rather than an incidental feature of it.⁶ Reviewing this literature across several jurisdictions, Postmus, Hoge, Breckenridge, Sharp-Jeffs and Chung found that economic abuse remains comparatively under-researched and 'invisible' relative to physical and sexual violence, despite consistently gendered patterns of victimisation, a gap to which this paper's focus on digital lending in Nigeria responds.⁷

This body of work has, however, developed principally around economic abuse perpetrated within intimate or familial relationships, and has been slower to recognise that third-party

⁵ Adrienne E Adams, Cris M Sullivan, Deborah Bybee and Megan R Greeson, 'Development of the Scale of Economic Abuse' (2008) 14(5) *Violence Against Women* 563, 563-567.

⁶ Judy L Postmus, Sara-Beth Plummer and Amanda M Stylianou, 'Measuring Economic Abuse in the Lives of Survivors: Revising the Scale of Economic Abuse' (2016) 22(6) *Violence Against Women* 692, 692-696.

⁷ Judy L Postmus, Gretchen L Hoge, Jan Breckenridge, Nicola Sharp-Jeffs and Donna Chung, '*Economic Abuse as an Invisible Form of Domestic Violence: A Multi-country Review*' (2020) 21(2) *Trauma, Violence, & Abuse* 261, 261-266.

commercial actors, such as creditors and debt collectors, can perpetrate functionally identical harm. Johnson's doctrinal analysis of United States creditors' debt-shaming and debt-criminalisation practices demonstrates that creditors' use of public humiliation, threats and third-party disclosure to coerce repayment reproduces the same control dynamics identified in the intimate-partner economic abuse literature, and that women are disproportionately targeted because these tactics exploit reputational and relational vulnerabilities that are gendered in nature.⁸ The Nigerian digital lender's practice of contact-shaming, discussed further below, is best understood as an extension of this pattern into an algorithmically mediated, cross-border marketplace: the harm is economic in its object, namely compelling repayment, but gendered in its method, namely leveraging reputational and relational rather than purely financial vulnerability, consistent with the broader observation that digital technologies intensify rather than create pre-existing forms of gendered coercive control.⁹

A separate strand of scholarship explains why women are disproportionately exposed to this predatory segment of the credit market in the first place. Contrary to the assumption that digital finance would narrow the gender gap in access to credit, Johnen and Mußhoff's empirical study of Kenya's formal digital credit market found that digital credit has, in practice, widened rather than closed the gender gap in financial inclusion, with women systematically offered less favourable and more standardised loan terms than men.¹⁰ Read alongside the Nigerian data on the widening gender gap in financial inclusion cited above (n 1), this suggests that women are not merely incidental victims of digital lenders' harassment: their comparative exclusion from safer, formal sources of credit funnels them disproportionately toward the unregulated, high-risk digital lending platforms most associated with contact-shaming and data-enabled coercion.

Comparative evidence from other developing digital lending markets confirms that this is not a distinctively Nigerian phenomenon. Rosyidah, Fajriyah and Rahayu's qualitative analysis of Indonesian women's complaints against fintech lending platforms identified online fraud, unauthorised use of personal data, identity theft, cyberbullying and online harassment by debt collectors as recurring categories of harm, and found that Indonesia's data protection legislation,

⁸ Creola Johnson, 'Creditors' Use of Consumer Debt Criminalization Practices and Their Financial Abuse of Women' (2016) 34(1) Columbia Journal of Gender and Law 5, 5-12.

⁹ Henry, Flynn and Powell (n 4) 1832-1838.

¹⁰ Constantin Johnen and Oliver Mußhoff, 'Digital Credit and the Gender Gap in Financial Inclusion: Empirical Evidence from Kenya' (2023) 35(2) Journal of International Development 272, 272-280.

like Nigeria's NDPA, does not extend to the victim's right to recovery from this conduct.¹¹ Kurnianingsih and others, applying lifestyle exposure theory to fintech financing in Indonesia, similarly found that women's greater reliance on informal and digital credit channels increases their routine exposure to criminal victimisation by lenders, independently of any individual risk-taking on the borrower's part.¹²

The gendered pattern identified in these qualitative studies is corroborated by large-scale quantitative evidence. Chen, Doerr, Frost, Gambacorta and Shin's cross-country study of fintech adoption found a persistent 'fintech gender gap', whereby women remain less able to access mainstream digital financial products on favourable terms than men, reinforcing their reliance on the very unregulated segment of the market in which contact-shaming is concentrated.¹³ On the harms side, Díaz-Aguado, Martínez-Arias and Falcón's more recent typology of technology-facilitated violence against women confirms and extends the earlier findings of the technology-facilitated violence literature reviewed above,¹⁴ while Im and others' empirical study of online harassment victims found that women consistently perceive greater harm from, and demand stronger sanctions for, the same harassing conduct than men do, a finding consistent with the disproportionate reputational and psychological toll of contact-shaming on Nigerian women borrowers.¹⁵

None of this literature, however, has yet been brought to bear specifically on Nigeria's regulatory response to digital lending, nor synthesised with the country's constitutional, data protection and criminal law framework. The remainder of this paper draws on the economic abuse literature outlined above to argue that the harms of contact-shaming are not merely a data protection or consumer protection failure, but symptoms of a gendered pattern of economic coercion that existing Nigerian law was not designed to address.

¹¹ Ambar Alimatur Rosyidah, Farah Fajriyah and Rahayu Rahayu, 'Cyber Crime Against Women's Personal Data on Online Platforms and the Role of PDP Laws' (2024) 13(2) *Jurnal Komunikasi Indonesia* 7, 7-15.

¹² Maret Kurnianingsih, Ahmad Fauzan Azhari, Khudzaifah Dimyati, Absori, Kelik Wardiono, Kuswardhani and Arie Dwi Nurrachman, 'Criminal Victimization: Women and Fintech Financing from the Theory of Lifestyle Exposure' (2022) 9(2) *International Journal of Multicultural and Multireligious Understanding* 157, 157-163.

¹³ Sharon Chen, Sebastian Doerr, Jon Frost, Leonardo Gambacorta and Hyun Song Shin, 'The Fintech Gender Gap' (2023) 54 *Journal of Financial Intermediation* 101626.

¹⁴ Maria Jose Diaz-Aguado, Rosario Martinez-Arias and Luis Falcon, 'Typology of Victimization against Women on Adolescent Girls in Three Contexts: Dating Offline, Dating Online, and Sexual Harassment Online' (2022) 19(18) *International Journal of Environmental Research and Public Health* 11774.

¹⁵ Jane Im, Sarita Schoenebeck, Marilyn Iriarte, Gabriel Grill, Daricia Wilkinson, Amna Batool, Rahaf Alharbi, Aime Funwie, Tuguldur Gankhuu, Eric Gilbert and Mustafa Naseem, 'Women's Perspectives on Harm and Justice after Online Harassment' (2022) 6(CSCW2) *Proceedings of the ACM on Human-Computer Interaction*, Article 355.

3. The Anatomy of Technology-Facilitated Economic Abuse

3.1. Definitional Contours

Technology-facilitated economic abuse is correctly recognised as a sub-type of technology-facilitated gender-based violence (GBV) and not just a contractual or consumer protection issue; it involves controlling, exploiting, monitoring or sabotaging a person's financial resources and independence through the use of technology and digital platforms.¹⁶ *The Palgrave Handbook of Gendered Violence and Technology* frames this form in the broader context of 'digitally mediated harms', the theme being not the technology itself but how digital technologies intensify and industrialise forms of gendered control over a person's body, reputation, relationships and finances.¹⁷ In Nigeria, digital lending is characterised by the following recurring events: borrowers' phone contact lists are accessed in bulk when they take out a digital loan; borrowers are "contact shamed" when the lender texts borrowers' family members, employers, friends, associates and social contacts when they default on a loan, alleging that the borrower is a criminal, mentally ill or a pervert. The borrowers' photos are circulated without their consent; and in reported cases, fake obituaries are published.¹⁸

3.2. Case Evidence

There is extensive empirical and journalistic evidence of such practices in Nigeria and an increasing body of doctrinal scholarship which affirms this. Harassment, privacy violations via contact-harvesting and third-party shaming of borrowers were the source of more than 70% of the complaints that the Federal Competition and Consumer Protection Commission (FCCPC) received between 2021 and 2023 in relation to harassment by digital lenders.¹⁹ The apparently general practice by digital money lenders to disclose personal information to a third party, to threaten borrowers and to defame them is corroborated by Monye's doctrinal review of the legal

¹⁶ Dunn (n 3) 4-8.

¹⁷ Anastasia Powell, Asher Flynn and Lisa Sugiura (eds), *The Palgrave Handbook of Gendered Violence and Technology* (Palgrave Macmillan 2021), 1-9.

¹⁸ African News Agency, 'Nigeria's Loan Apps: Not Financial Inclusion, Rather Digital Extortion' (5 September 2025).

¹⁹ Federal Competition and Consumer Protection Commission, complaints data on digital lending harassment and data abuse (2021-2023), reported in Ainvest, 'Nigeria's Mobile Loan Apps Face 11,000 Complaints Over Harassment, Data Abuse' (10 July 2025), available at <https://www.ainvest.com/news/nigeria-mobile-loan-apps-face-11-000-complaints-harassment-data-abuse-2507/> accessed 20 August 2026.

and institutional consumer protection framework in Nigeria.²⁰ A related empirical study by Tampuri, which also interviewed two hundred and eighty (280) consumers from Ghana, Nigeria, South Africa and Kenya, and analysed sixty-eight (68) unlicensed digital lending apps, also shows that the apps are systematically collecting or selling user data without consent, which is directly connected with debt-collector harassment and the targeting of consumers by third parties to take loans.²¹ Idowu's case study analysis of high-profile loan applications in Nigeria also reported the same pattern, via named platform case studies, where the debt recovery actions taken amount to extortion, after adjusting for the effective annualised costs of short-term loan lending.²²

By 2024, the Nigeria Data Protection Commission (NDPC) said it had investigated more than 400 cases of "*severe privacy violations and cyberbullying*" associated with digital lenders, and Nigerian media outlets have cited a series of suicides, including a case of a university undergraduate, as a result of these shame-based recovery methods.²³ What is documented in comparative research on instant-loan platforms in India is functionally very similar, with algorithmically mined information on a borrower's contact list used to find out and harass them. This study suggested that the phenomenon is a structural characteristic of algorithmically mediated micro-lending and not a peculiarity of the Nigerian market.²⁴ A study released in February predicted that by 2030, up to 70 million Nigerian women and girls may be at risk of experiencing online abuse through AI technologies, making it a current, more than historical issue that needs to be addressed by lawmakers.²⁵

²⁰ O Monye, 'Strengthening Nigeria's Digital Money Lending Ecosystem' (2024) 47(3) *Journal of Consumer Policy* 445, 447-450.

²¹ Mark Y Tampuri, 'Digital Lending in Emerging Economies: The Nexus between Financial Innovation and Consumer Protection' (2023) 7(2) *American Journal of Finance and Accounting* 145, 148-155.

²² Felix O Idowu, 'The Dark Side of Digital Lending: The Rise, Proliferation, and Perils of Online Loans in Nigeria' (SSRN Working Paper, 17 February 2025), 6-11.

²³ Business Day, 'Digital Loans, Digital Trauma: Inside Nigeria's Lending Boom and Its Toll on Mental Health' (3 June 2026), available at <https://businessday.ng/technology/article/digital-loans-digital-trauma-inside-nigerias-lending-boom-and-its-toll-on-mental-health/>, accessed 20 August 2026.

²⁴ Divya Ramesh, Vaishnav Kameswaran, Ding Wang and Nithya Sambasivan, 'How Platform-User Power Relations Shape Algorithmic Accountability: A Case Study of Instant Loan Platforms and Financially Stressed Users in India' in Proceedings of the 2022 ACM Conference on Fairness, Accountability, and Transparency (FAccT '22) 1917.

²⁵ Gatefield, 'Industrialised Harm: The Scale of AI-Facilitated Violence in Nigeria' (February 2026), reported in *Premium Times*, '70 Million Nigerian Women, Girls May Face AI-Facilitated Online Abuse By 2030 Report' (11 February 2026) <https://www.premiumtimesng.com/health/health-news/855681-70-million-nigerian-women-girls-may-face-ai-facilitated-online-abuse-by-2030-report.html> accessed 20 August 2026, and discussed in Global Voices Advox, 'When Technology Fails Women: Online Abuse and Nigeria's Digital Weak Points' (10 April 2026)

3.3. Gendered Incidence

Digital lending harassment is disproportionately stronger to the disadvantage of women borrowers because, in the first instance, women are less likely to be able to access informal, undocumented or intermittent income streams to service the high interest loans, and, in the second instance, the reputational currency targeted by the act of “*contact shaming*,” is one in which Nigerian women's economic security is more at stake than men's.²⁶ This gendered reading is confirmed in terms of concepts in Henry, Flynn and Powell's wider review of the harms caused by technology-facilitated abuse, which overwhelmingly highlights the harm in the context of precisely that infrastructure that women rely on more than men, for their economic and physical safety.²⁷

4. Critical Evaluation of the Existing Legal and Regulatory Framework

4.1. Financial Regulation

The Central Bank of Nigeria (CBN) Consumer Protection Framework 2016 introduced nine (9) principles of consumer protection, which were introduced by the CBN Consumer Protection Regulations 2019, and which mandate that financial institutions, which include CBN-licensed Fintech lenders, treat consumers courteously and respectfully and avoid practices like threats, humiliation, misrepresentation, or offering unfair inducements.²⁸ The 2019 Regulations also mandated institutions to keep proper consumer information and make institutions responsible for the actions of debt-collection agents working for them.²⁹ The Federal Competition and Consumer Protection Commission (FCCPC) issued the Limited Interim Regulatory/Registration Framework and Guidelines for Digital Lending 2022, based on the Commission's experience and receipt of numerous complaints of harassment and data privacy issues, and mandated digital lenders to register and publish their ownership, sources of funding, methodology of calculating interest rates and other disclosure requirements under the Fiscal Commission and Competition Protection Act (FCCPA), in the meantime.³⁰ Businesses cannot leverage consumers through

<https://advox.globalvoices.org/2026/04/10/when-technology-fails-women-online-abuse-and-nigerias-digital-weak-points/> accessed 20 August 2026.

²⁶ Women's World Banking (n 1).

²⁷ Henry, Flynn and Powell (n 4) 1838-1841.

²⁸ Central Bank of Nigeria, Consumer Protection Regulations 2019, regs 2-3.

²⁹ Central Bank of Nigeria, Consumer Protection Regulations 2019, reg 5.

³⁰ Monye (n 20) 450-452.

coercion, undue pressure, harsh, oppressive or exploitative conduct, something that clearly applies to the practice of contact shaming in recovery efforts.³¹

The problem with this is not that the necessary regulatory norms do not apply to these institutions, but that there is a lack of centralisation of the enforcement powers. The CBN has more of an enforcement role over licensed deposit-taking and CBN-regulated institutions, while there is a significant proportion of predatory loan applications that operate on app-store distribution without any CBN licensing, thus squarely falling within the jurisdiction of enforcement of the FCCPC, with relatively lesser enforcement power for the CBN.³² The outcome is that consumer protection enforcement against this particular practice of data-enabled shaming has grown reactively, based on inter-agency task forces and requests for app-store delistings, as opposed to some single, prospectively clear licence key for data-handling behaviour.³³

4.2. Data Privacy

The Nigeria Data Protection Act (NDPA) 2023, which was assented to by the President of the Federal Republic of Nigeria on 12 June 2023, and which created the Nigeria Data Protection Commission (NDPC) as an independent enforcement institution, is the main legislation that regulates the gathering and management of the contact list and personal information of customers that are collected by lending institutions and applications.³⁴ The NDPA sets out to ensure that data processing is carried out in line with legal requirements, which includes obtaining informed and freely given consent, and provides for compliance and enforcement orders, remediation orders, and tiered financial penalties of up to ₦10,000,000 or 2% of annual gross revenue for data controllers of major importance and up to ₦2,000,000 or 2% of annual gross revenue for other data controllers³⁵.

The enforcement actions of the NDPC itself demonstrate the teeth of this penalty machine: They imposed over ₦766, 000, 000.00 (Seven Hundred and Sixty-Six Million Naira) fine on MultiChoice Nigeria for the illegal transfer of subscriber and third-party contact data across the border and its disproportionate processing of that data, which was expressly considered to be

³¹ Federal Competition and Consumer Protection Act 2018, s 124.

³² *Monye* (n 20) 452-455.

³³ Federal Competition and Consumer Protection Act 2018, s 124.

³⁴ Nigeria Data Protection Act 2023, s 1-3, 43.

³⁵ Nigeria Data Protection Act 2023, s 48(3)-(5).

grounded in the fundamental right to privacy guaranteed by Section 37 of the 1999 Constitution.³⁶ The Court of Appeal affirmed by itself in a case brought by the Digital Rights Lawyers Initiative that data protection rights³⁷ in Nigeria are not mere statutory provisions but are integral to the constitutional guarantee of the right to privacy.³⁸

Despite this power of enforcement, the NDPA is not specifically geared to deal with the harm caused by gendered data weaponisation. The registration, audit, and penalty procedure in the Act is geared towards the general data-controller / data-subject relationship. It does not mention the aggravating effect of a data controller's actions on the data subject's relationships and social and familial network, specifically actions that are carried out for coercive purposes³⁹. A lending app's acquisition of a borrower's contact list is likely to breach the general NDPA principles of purpose limitation and proportionality. The Court of Appeal held in *Digital Rights Lawyers Initiative v National Identity Management Commission* (n 37) that data protection is an integral aspect of constitutional privacy, and that where the Act has no specific offence or enhanced remedy to deal specifically with the recognisably gendered harm that contact-shaming can cause as a means of debt recovery, the same argument applies here.⁴⁰

4.3. Criminal and Civil Remedies

The Cybercrimes (Prohibition, Prevention, etc.) Act makes cyberstalking and its related acts criminal offences; Section 24(1)(a) of the Act prohibits grossly offensive, threatening or harassing messages sent by using a computer system.⁴¹ This conduct falls under the Act's scope for two reasons: the threatening messages are transmitted over computer systems, and Nigerian courts have established precedent by applying this exact provision to comparable non-lending cases. In *FRN v Nwakaego*, the Federal High Court sitting in Lagos convicted a defendant under the Cybercrimes Act for making multiple threatening and defamatory communications via a

³⁶ Nigeria Data Protection Commission, Public Enforcement Statement on MultiChoice Nigeria Ltd (6 July 2025).

³⁷ Incorporated Trustees of Digital Rights Lawyers Initiative & Ors v National Identity Management Commission (2021) LPELR-55623 (CA).

³⁸ Nigeria Data Protection Act 2023, ss 24, 48.

³⁹ Dunn (n 3) 8-10.

⁴⁰ cf Nigeria Data Protection Act 2023, ss 24-26, 37-39.

⁴¹ Cybercrimes (Prohibition, Prevention, etc.) Act 2015, s 24(1)(a), as amended by the Cybercrimes (Prohibition, Prevention, etc.) (Amendment) Act 2024.

computer system about a named person, and confirmed that the offence covers a sustained campaign of defamatory information, a type of conduct akin to contact-shaming.⁴²

The Court of Appeal's previous judgment in *Julius v Federal Republic of Nigeria* also shows that it would be easy for a lending platform's manufactured "*debtor*" or "*criminal*" messages sent to a borrower's contacts to fall within the purview of the Act, because its application extends to the dissemination of unverified, reputation-damaging information "through a computer system" with a "*deliberate intention*" to mislead or cause "*disturbance*".⁴³

This doctrinal power is somewhat limited, however, by a superior ruling. In a case filed by the *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria*, the ECOWAS Community Court of Justice ruled in favour of SERAP that section 24(1) of the Cybercrimes Act, as originally passed, was vague, arbitrary and inconsistent with the guarantee of freedom of expression in Articles 9 of the African Charter on Human and Peoples' Rights and Article 19 of the International Covenant on Civil and Political Rights.⁴⁴ Nigeria's 2024 amendment to Section 24 of the Act (the definitions provided by the Act) was criticised for not addressing the lack of clarity in the original provision, which the ECOWAS Court had pointed out and found to be unconstitutional, leaving the prosecution and the victims of such offences with uncertainty about its applicability in any future contact-shaming prosecution.⁴⁵

The Violence Against Persons (Prohibition) Act 2015 (VAPP Act) criminalises "*forced financial dependence or economic abuse*" as a specific type of violence along with stalking, intimidation and psychological and emotional abuse.⁴⁶ One of the most innovative aspects of Omidoyin doctrinal analysis of the Act, when compared to the existing criminal law, is that it recognises the concept of economic abuse as a form of gender-based violence.⁴⁷ In the opinion of Shajobi-Ibikunle and Kassim, the evaluation was a more sober one because they saw the territorial and

⁴² FRN v Okoye Blessing Nwakaego (Federal High Court, Lagos, judgment delivered 2 August 2023).

⁴³ *Julius v Federal Republic of Nigeria* (2021) LPELR-54201 (CA).

⁴⁴ *Registered Trustees of the Socio-Economic Rights and Accountability Project (SERAP) v Federal Republic of Nigeria* (ECOWAS Community Court of Justice, judgment of 25 March 2022).

⁴⁵ Ifeoma E Nwafor, 'Cyberstalking in Nigeria: An Exploratory Study of Section 24 of the Nigerian Cybercrimes (Prohibition, Prevention, etc.) (Amendment) Act, 2024' (2024) 5 *International Cybersecurity Law Review* 443, 443-458.

⁴⁶ Violence Against Persons (Prohibition) Act 2015, s 1.

⁴⁷ TJ Omidoyin, 'Violence against Persons (Prohibition) Act 2015: A Positive Step to the Eradication of Domestic Violence in Nigeria' (2018) 9(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 39, 44-47.

institutional limitations of the Act as a constant structural defect and not a mere transitional one. It has two significant structural limitations which restrict its usefulness.⁴⁸

Firstly, the VAPP Act has only direct legal effect in the Federal Capital Territory; the rest of the federation relies on domestication by each state legislature. This is not a case of the National Assembly failing to "cover the field": offences against the person fall outside the Exclusive Legislative List, so the National Assembly lacks the constitutional competence to impose the Act directly on the states, and questions of federal pre-emption of state law do not arise.⁴⁹ Domestication therefore remains necessary, and there are continuing gaps in this domestication process in a material number of states, as evidenced by independent tracking.⁵⁰ Second, the provision of the VAPP Act on economic abuse is framed around the paradigm of domestic and intimate-partner relationships, being grouped in the Act alongside offences such as forceful ejection from home, forced isolation and spousal battery⁵¹, and there is no current judicial precedent on whether a relationship with a commercial lending platform (as opposed to a spouse or partner) would constitute economic abuse by the lender.

The familiar common law tort of defamation is also an avenue yet to be explored. Obioma and Etim argue that a lender's contact-shaming message, such as when the lender wrongly labels a merely late borrower as a "*criminal*", meets the publication, identification and defamatory meaning elements of the tort. In their view, such a message is not a good-faith commercial communication and should not attract the protection of the qualified privilege doctrine.⁵² Nevertheless, the usefulness of the route is severely dented by the expense, time and evidentiary requirements of civil litigation compared to the administrative complaint process of the FCCPC or NDPC, so defamation is still a viable form of remedy in theory but not in practice.

⁴⁸ Grace D Shajobi-Ibikunle and Rafiat M Kassim, 'Domestic Violence: A Critical Review of the Violence Against Persons Prohibition Act (VAPP) 2015' in Todd K Shackelford (ed), *Encyclopedia of Domestic Violence* (Springer 2023).

⁴⁹ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4(2)-(7) and Second Schedule Part I; see also *Attorney-General of the Federation v Attorney-General of Lagos State* (2013) 16 NWLR (Pt 1380) 249 on the doctrine of covering the field.

⁵⁰ Westminster Foundation for Democracy, 'Overcoming the Challenges to the Effective Implementation of the Violence Against Persons Prohibition Act in Nigerian States' (2023), available at <https://www.wfd.org/what-we-do/resources/overcoming-challenges-effective-implementation-violence-against-persons> accessed 20 August 2026.

⁵¹ Violence Against Persons (Prohibition) Act 2015, ss 8-13.

⁵² Oluchukwu Precious Obioma and Daniel Thomas Etim, 'Consumer Complaints and Defamation Liability in Nigeria: Balancing Free Speech and Reputation Protection Towards National Development' (2024) 19 *The Nigerian Juridical Review* 37, 44-50.

5. The Role of Feminist Advocacy and Movement Strategies

Regulatory frameworks frequently overlook the vital role played by civil society organisations (CSOs) in documenting and escalating rights violations. Citizens' Gavel, for example, has gathered and posted logs of defamatory bulk messaging and unauthorised sharing of borrowers' images and contacts by digital lenders and has made this documentation public to provide the evidence for regulatory enforcement actions, such as FCCPC-led app store removals.⁵³ The Digital Rights Lawyers Initiative's (DRLI) casebook of strategic litigation shows another, more explicitly legal model of civil society action⁵⁴. In addition to documentation, the DRLI has also initiated fundamental rights litigation, such as its suit against the National Identity Management Commission (NIMC), which was targeted to directly influence the doctrinal development of data protection as a constitutional privacy right, and has clear potential for future applicability in cases of contact-shaming.⁵⁵ Advocacy for the gendered nature of technology use has moved beyond reporting the harms of technology and technology-facilitated violence, to predicting the extent to which this harm can be expanded with the use of generative AI, for example, Gatefield forecasting the harm that may occur through a technology before it does, rather than after.⁵⁶

CSOs serve three regulatory roles which the formal state institutions have not been able to achieve in a timely fashion: real-time aggregation of complaints, coordinating public pressure to demand action at the platform level without any judicial process, and the representation of digital financial harassment as a gendered rights claim as opposed to a contractual consumer dispute. This has direct doctrinal implications for the frameworks discussed in Part 3 of this paper under which the victim's claim is most likely to be pursued.

6. Regulatory Reforms for a Secure Digital Economy

The following three suggested reforms respond to the gaps identified above.

Firstly, consumer protection standards should be gender-sensitive and should be made explicit and not assumed. The two consumer protection instruments issued by the CBN and FCCPC

⁵³ African News Agency (n 18).

⁵⁴ Solomon Okedara, Olumide Babalola and Irene Chukwukelu (eds), *Digital Rights in Nigeria: Through the Cases* (Digital Rights Lawyers Initiative 2022), 12-19.

⁵⁵ Solomon Okedara, Olumide Babalola and Irene Chukwukelu (n 54).

⁵⁶ Gatefield (n 25).

should be amended to include contact-harvesting and third-party shaming as prohibited activities without having to go to the trouble of litigating the issue under the more general 'harsh, oppressive or exploitative' standard in section 124 of the FCCPA, and implement '*Know Your Customer*' and data-access protocols which differentiate data used for credit assessment from data only useful for coercive recovery.⁵⁷

Second, the enforcement powers of the NDPC and FCCPC should be explicitly connected through a data-conduct licensing gateway, a process which is one of the reliefs sought in *Digital Rights Lawyers Initiative v NIMC*, and similar models in other parts of the continent that link digital credit to data protection compliance: a digital lender's ability to continue operating in the market should be restricted if the NDPC issues a compliance directive, in line with the Court of Appeal's constitutional endorsement of the rights of data protection.⁵⁸

Third, there should be an in-app mechanism for a borrower to report instances of economic-abuse conduct directly to the FCCPC or NDPC when he or she is using a lending app. Such reports should be handled with utmost concern as part of the corporate responsibility of platform design, not just at the lender's discretion. There should be a documented complaint trail if the borrower does not bother to or cannot pursue a formal complaint of cyberstalking or any of the acts prohibited under the law through the ordinary criminal justice system. This should generate gender-disaggregated complaints data, which are conspicuously missing from the current enforcement statistics.⁵⁹

7. Conclusion

Nigeria possesses three statutory frameworks capable of addressing aspects of technology-facilitated economic abuse in digital lending: financial regulation, data protection, and gender-based violence remedies (both civil and criminal). What is lacking, however, is an integrated framework that recognises these distinct mechanisms as a unified response to a deeply gendered harm. The resulting regulatory regime consists of well-intentioned, individually effective pieces that remain fragmented and poorly coordinated. There is another way to look at the issue already in existence in embryonic form, with its doctrinal foundation. Even with the important caution of

⁵⁷ Monye (n 20) 455-457.

⁵⁸ Tampuri (n 21) 163-166.

⁵⁹ Dunn (n 3) 14-17.

the ECOWAS Community Court on the ambiguity of Section 24, as it stands, the two precedents, namely, the Court of Appeal's finding of data protection as a facet of constitutional privacy in *Digital Rights Lawyers Initiative v NIMC*; and the Federal High Court's willingness to apply the Cybercrimes Act to uphold the claim of reputation-damaging digital messages in *FRN v Nwakaego* provide the doctrinal material for building a future contact-shaming prosecution or civil claim. The last mile, which is the gap between the existing and desired inclusion, can be successfully bridged by including explicit provisions on technology-facilitated economic harm and measures for digital safety in Nigeria's financial and data-protection regimes; tying market access to data-conduct compliance; and designing complaint infrastructure into the platforms themselves, as part of their costs and benefits.