**NAME**: IKATARI MERRY ENAROM.

**MATRIC NUMBER**: 17/LAW01/145

**CHALLENGES PLAGUING THE PUBLIC INSTITUTIONS WITH THE MANDATE IF PROTECTING AND PROMOTING HUMAN RIGHTS IN AFRICA WITH SOLUTIONS**

The protection and promotion of human rights in Africa have been seen to be the mandate or the central reason for some public institutions in Africa, such as;

1. The African Commission on Human and People’s Rights
2. African Court on Human and People’s Rights
3. The ECOWAS court of Justice

These public institutions are in charge of the protection of human rights and its promotion in Africa.

1. **THE AFRICAN COMMISSION ON HUMAN AND PEOPLE’S RIGHTS**

The African Commission on Human and People’s Rights derives it’s legal backing from the African Charter which is an international instrument and without further domestic adjustments in African states according to their system of domestication is used. Article 30 of the charter makes provision for the establishment of the the African Commission on Human and People’s Rights. The commission according to the charter shall be made of 11 members originating from African countries of which only one representative per each country who are worthy figures the posses traits of honesty, accountability and the spirit of harmony. The commission is a significant instrument of discourse because it attests to the motion that human rights are indivisible.

The commission possesses the following powers: Judiciary mandate and promotional mandate which means they can adjudicate on issues between their member states and can persuade or advice parties on the action to take.

Some of the challenges include;

* Lack of awareness of individuals about the African commission
* The decisions of the commission are persuasive

**SOLUTIONS**

* Awareness should be created to African states concerning the commission and its mandate
* Making of decisions binding through the use of the Maputo Protocol
1. **AFRICAN COURT ON HUMAN AND PEOPLE’S RIGHTS**

The African court came into force in 25 January 2004 through the establishment of the Protocol to the African Charter in Human and People’s rights by the OAU in June 1998. Its decisions are binding and final on state parties to the protocol. Article 11 of the Protocol to the African Charter on Human and People’s Rights states that the court shall consist of eleven judges, of high morals, academic competence and expertise. Article 3 also states the jurisdiction of the court, it’s stated that the court’s jury shall extend to all cases and disputes regarding the interpretation and application of the African Charter, it’s protocol and any other relevant Human Rights law ratified but the member states

Some of the challenges include;

* Lack of access to the court by individuals and NGO’s
* Member states non-compliance with Article 5(3) of the Protocol to the African Charter on Human and People’s Rights.

**SOLUTIONS**

* The court also is to give serious punishment and fines for African states non compliance with Article 5(3) of the Protocol
* Expanding the jurisdiction of the court so as to allow human right commissions and individuals and NGO’s to gain access to the court
1. **THE ECOWAS COURT OF JUSTICE (ECCJ)**

The ECOWAS court of justice is an example of sub-regional bodies created to cater for human rights violations and it is domiciled in Abuja.

The ECOWAS Court of Justice is an organ of the Economic Community of West African States (ECOWAS), a regional integration community of 15 member states in Western Africa. It was created pursuant to the provisions of Articles 6 and 15 of the Revised Treaty of the Economic Community of West African States (ECOWAS). The composition of the ECCJ is contained under Article 3 of the Protocol on the Community Court of Justice.

Some of the challenges include;

* Inadequate manpower: The court had seven judges until recently when, at meeting of the sub-regional body’s decision-making organ, member states decided to reduce the number of judges to five. The argument was that the ECOWAS commission was hit by dwindling contributions from members. Also the reduction of interpreters from six to nine which is slowing down court processes.
* Inadequate accommodation: The court equally suffers from the challenge of having to function in an environment not conducive for its operations, owing to the failure of member states to abide by their pledges.

**SOLUTIONS**

* The seven judges as prescribed by the Protocol on the community court of justice should be strictly adhered to in order to give fair and adequate hearing to individuals
* A conducive environment for the court should also be considered in order to promote and encourage effective and efficient operations of its work and practice.

In conclusion, the public institutions which are charged with the mandate of protecting and promoting human rights have challenges they face which hinders the effective promotion and protection of human rights in Africa but with the solutions given efficiency will be greatly recognized.