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In Africa there are several Public institutions whose mandate is the protection and promotion of human rights. In carrying out their mandate these institutions are faced with several challenges and this will be the focus of this writer. This writer will be examining the challenges faced by three Public institutions in Africa. They are;

1. The African Commission on Human and Peoples Right
2. The African Court on Human and Peoples Right
3. The ECOWAS COURT.

This writer shall discuss them seriatim.

The African Commission on Human and Peoples Right was established by ***Article 30 of the African Charter on Human and Peoples’ Right.*** This commission is saddled with the mandate of protecting and promoting human rights in Africa. In doing so it interpreted ***Article 1 of the ACHPR*** to contain a threefold obligation on Member States. That is to respect, ensure and fulfill the human rights obligation in the Charter. By ***Article 45 of the ACHPR*** one of the functions of the African Commission on Human and Peoples Right is the protection of human rights contained in the Charter.

We shall now be considering the challenges facing this commission. They include:

1. The African Commission cannot result in a legally binding decision and force a state to comply with its decision.
2. The African Commission cannot enforce legally binding judiciary type of remedies that may be awarded, such as monetary damages or injunction.
3. The African Commission cannot immediately change domestic laws and
4. They cannot provide quick remedies.

***Article 55 of the ACHPR*** provides that the Commission may consider communication from persons other than state parties, only if a simple majority of its members accept such communication. Also ***Article 56*** provides that such communication maybe made after the exhaustion of local remedies, unless it is obvious to the commission that the local procedure is unduly prolonged. This article is particularly difficult to comply with by individuals or non state parties because certain violations require immediate redress and the victim might suffer irreparable loss should he await exhaustion of local remedies.

One of the core problems of the African Commission is ***enforcement.*** Due to this **the African Court on Human and Peoples Right came about.** The African Court decisions are binding on State parties that have ratified the **ACHPR.** Although Nigeria has ratified the ACHPR the African Court cannot come into Nigerian cases unless the case is brought before the African Court. Example; ***Ogoni case.*** However, in carrying out its mandate the Court is faced with some challenges. They include;

1. Overlapping jurisdiction and duplication of labor between the Court and other AU institutions which can lead to a great deal of uncertainty as to the position of the Court within the regional system, especially due to the fact that the Protocol fails to provide for the Court’s primacy in all human right matters.
2. The failure to clarify the relationship between the Court and the Commission.
3. Local remedies must be exhausted before any case can be brought before the African Court.

The ***ECOWAS COURT is* another** institution which has a human right mandate. The EOWAS Court of Justice have jurisdiction to entertain human right cases. Individuals can apply to the ECOWAS Court of Justice for relief for violation of their human rights. Also individual and corporate bodies can bring their cases before the Court to determine whether their rights have been violated by an EOWAS official.

The Court is faced with the challenge of the ***poor enforcement of its decisions***: member states are reluctant to comply with the court decision by ensuring prompt implementation of its judgment.

***So far, I discussed the challenges faced by these institutions. From my point of view I would profer solutions***. For the **African Commission on Human and Peoples Right,** I strongly believe that if they follow-up recommendations made, immediately change domestic laws, provide quick remedy and result in legally binding decisions then the commission can out its mandate efficiently. If all the mentioned above are put into place then what happened in the case of ***International Pen, Constitutional Rights Project, Interights on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organization v. Nigeria*** can be avoided.

Secondly, the problems facing the **African Court on Human and Peoples Right** can be solved by amending the Charter as well as the Protocol to the Charter. If this is done then the African Court will attain independence from the Commission.

Thirdly, the challenge facing the **ECOWAS COURT can be** solved if member states comply with the Court decision and are not reluctant to abide by the court decisions.

In conclusion, Public Institutions in Africa with the human right mandate are faced with challenges which can be overcome. For us to overcome this problems cooperation among member states is key.