**OSANUPIN JOMILOJU TORERA**

**17/LAW01/256**

There are three major public institutions in Africa whose mandate is the promotion and protection of human rights. They are:

1. Africa Commission on Human and People’s Right.

2. African Court on Human and People’s Right

3. ECOWAS Court of Justice.

**THE AFRICAN COMMISION ON HUMAN AND PEOPLE’S RIGHT** is established and provided for in article 30 of the ACHPR.

The functions of the commission shall be:

To promote Human and People’s Right, particularly:

* To collect documents, undertake studies and researches on African problems in the field of Human and People’s Right, Organize seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with Human And People’s Right, and should the case arise, give its views or make recommendations to government.
* To formulate and lay down principles and rules aimed at the solution of legal problems relating to human and people’s right and fundamental freedoms upon which African Government may base legislations.
* Co-operate with other African and international institutions concerned with the promotion and protection of human and people’s right.

Ensure the protection of Human and People’s Right under conditions laid down by the present charter.

Interpret all the provisions of the present charter at the request of a state party, an institution of the OAU or an organization recognized by the OAU.

Perform any other tasks which may be entrusted to it by the assembly of Head of State.

**Association of victims of post electoral violence inter right v. Cameroon.**

**AFRICAN COURT ON HUMAN AND PEOPLE’S RIGHT** is established and provided for in the ACHPR. It was established in 2004. It has a total of eleven judges. The African Court has both advisory and contentious jurisdiction—which means it has the power to settle matters that are discrete and the power to advice people who come to seek advice before carrying certain activities; respectively. The African Court can entertain dispute from the African Charter and any other relevant human right instrument. The African Court can’t entertain cases that are not involved with human right.

**ECOWAS COMMUNITY COURT of JUSTICE** was created pursuant to the provisions of **Articles 6 and 15** of the Revised Treaty of the ECOWAS. Its Organizational framework, functioning mechanism, powers, and procedure applicable before it are set out in Protocol **A/P1/7/91 of 6 July 1991**, Supplementary Protocol **A/SP.1/01/05 of 19** **January 2005,** Supplementary Protocol **A/SP.2/06/06 of 14 June 2006**, Regulation of 3 June 2002, and Supplementary Regulation C**/REG.2/06/06 of 13 June 2006**. The ECOWAS Court of Justice is the judicial organ of the Economic Community of West African States (ECOWAS) and is charged with resolving disputes related to the Community’s treaty, protocols and conventions. The ECOWAS Community Court of Justice has competence to hear individual complaints of alleged human rights violations.

**CHALLENGES**

**THE AFRICAN COMMISSION ON HUMAN AND PEOPLE’S RIGHTS’** challenges and failures are multi-faceted including in particular lack of political will, lack of independence, inadequate follow-up on decisions or recommendations, lack of a monitoring role, lack of publicity and awareness, and above all the commission **is** handicapped financially, materially, and lacks human resources.

**THE AFRICAN COURT ON HUMAN AND PEOPLE’S RIGHT.** One of the greatest challenges facing the court is likely to be how to deal with the diversity of the African continent. In contrast to its sister court, the African court faces the difficult task of dealing with a considerably more heterogeneous group of members. Another challenge of the African Court is that it rulings and judgment are not always implemented by the member states.

**ECOWAS COURT OF JUSTICE.** Some of the challenges of the ECOWAS Court of Justice include:

1. The member states don’t use the court.
2. The citizens don’t have direct access to the court.
3. Logistics.
4. There is Limited Awareness.
5. Procedure for taking action in the court is straineous and lengthy.

**REMEDIES AND RECOMMENDATION.**

* The challenges plaguing the three public institutions above can be solved in similar ways. These institutions should be sufficiently funded in other for them to operate effectively.
* There should be an adequate number of well qualified staff in these institutions in other for the mandate to be effectively accomplished.
* As regards the court, member states should be compelled to make use of them and there should be better access to the court by citizens.
* In other to give these institutions recognition and respect, member states should be adjoined to respect and implicate the judgment and rulings of these institutions.