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ANSWER

***ARTICLE 45*** provides for the functions of the commission which above all includes;

1. To promote Human rights particularly;

* To collect documents, undertake studies and research on African problems in the of human rights and people’s rights, organize seminars ,etc
* To formulate and lay down principle and rules aimed at the solution of legal problems relating to human right
* Cooperate with other African and International institution concerned with the promotion and protection of human and people’s rights

So the commission is entitled or mandated to promote and protect human and people’s rights In Africa. Some Public institutions have also risen to help promote and protect this various rights which everyone as long as he/she belongs to a country in Africa is entitled to. Being from a continent like Africa we are aware that not everything runs smoothly or rather without interference in Africa, which due to has brought about challenges which affect the promotion and protection of these rights in Africa either by the commission or other Public institutions. The African charter is a regional treaty that seeks to uphold human right and at the same time reflect African values, they work on matters concerning;

* Marriage
* Ownership of property
* Rights to allocate properties
* Right of women and children
* Sovereignty

Some of the challenges they suffer include;

1. Lack of Adequate man power: Structural weaknesses have plagued the African human rights system since its inception. The African Commission consists of eleven members ‘chosen from amongst African personalities of the highest reputation. The primary function of the Commission is ‘to promote human and peoples’ right s and ensure their protection in Africa.  However its capacity and effectiveness in doing so has been questioned. Not everyone is willing to help for such due to the fear of loss of properties.
2. Funding: This is a very significant area, no organization can run without appropriate funding and this has really affected both the commission and other public institutions since our politicians are more interested in their pocket rather than the rights of the individuals they swore to cater for.
3. Enforcement: This is one of the major challenges facing the commission and other public institution. And this is due to the principle that every state is sovereign and equal and answerable to none and also that the act cannot have binding force on its own except the states enact them
4. Principle of non- interference: The principle of non-interference is also a big challenge no one wants to be trampled upon, everyone wants to be their own boss. The world we live in will show you that man has this superiority complex that no one can govern me. So states want to remain sovereign and avoid any interference and this affects the enforcement of these rights if they fail to domesticate them.  The African state is an entity recognized for its desire to sustain ‘an African culture that is permanent, static, and unchanging’ free from westernization. The principle of non-interference in internal affairs and the manner in which it is so strenuously upheld, is a means of preserving African traditions. It is a principle enshrined in ***Article 3(2)*** of the OAU Charter therefore allowing African states to turn a blind eye to human rights violations that occur within the continent (as was the case of the 1994 genocide in Rwanda).

CONCLUSION:  The Charter caters specifically for the African continent. The normative flaws discussed above can only be corrected through reformation of the Charter. There is an urgent need for clear allocation of responsibility in order to increase cooperation and efficiency between the institutions involved in implementing the Charter. Through careful management of resources, and effective national implementation and publicity, the standing of the Charter can be improved, guaranteeing the promotion and protection of human rights within the continent. Despite the flaws that have arisen since the genesis of the Charter in a continent where most African languages do not have an expression for ‘human rights’, the Charter provides a solid foundation on which a human rights culture can be fostered. However there is still much progress to be made before the Charter can be credited with shaping a human rights culture in Africa.

Some solutions also include;

* There is a need for more States to ratify the Court’s Protocol and to allow individuals and NGOs direct access to the Court. This will help the protection of human rights
* The AU organs need to impose sanctions consistently on non-complying States is necessary in order to strengthen the credibility of the African Court’s orders and judgments
* States and other actors including educational institutions should through human rights education raise awareness about the African Commission and Court