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Answer

Human rights are important in order to ensure the dignity of the human person and it is for this reason that certain institutions have been established they include the Africans Commission on Human and people's rights, the African Court on Human and People's rights and the ECOWAS court of Justice.

1. **The Inaccessibility of the Court to Individuals:** most of these institutions in words state that the individuals are allowed to approach these institutions but the terms needed to access them are often hard and nearly impossible to meet. **Article 56 of the African Charter on Human and Peoples Rights** require that before communications are accepted local remedies must be exhausted, this especially a challenge where the violation in question is one that require immediate redress and failure to do so would result in the loss too great to be repaired later on. The African Court shares the same obstacle towards as it requires that state parties declare the competence of the Court to entertain issues between it and Non Governmental Organizations (NGOs) as seen in *Article 5(3) and Article 34(6) of the Protocol on African Charter on Human and Peoples Right*, the court dismissed the claim of the applicants for torture and violation of right to dignity and privacy in *Delta International Investments SA, AGL De Lange V. The Republic of South African* because South African did not make the declaration in Article 34(6) in favor of the individuals
2. **The Overdependence of Institutions on Member States Permission To Be Effective:** another issue would be the problem of with the organization heavily depending on member states for its effectiveness. **Article 58 (1) & (2) of the African Charter on Human and Peoples Rights** states that where the commission discovers that one or more of the communications are related to the serious and multiple violations of human rights it is to report to the Assembly of the Head of Sates who may then decide to tell the commission to

do an in depth study and make factual findings (or they may not). The problem with this is that the decision for this to be investigated is in the hands of Member State one of whom might be the ones in question and may influence others to vote against the commission doing so. Another bold case of this is seen in Article 59 where the reports of the commission may be concealed from the public this could have the effect of encouraging Member state to be bullheaded or nonchalant about the commission's decisions. In *Constitutional Rights Project ( for Zamani Lekwot and six others) v Nigeria* where the applicants had been sentenced to death alleged that their lawyers had been forced to quit and they were tried and sentenced for capital offences without their attorneys present which was against provisions of the Charter. The commission made a recommendation to Nigeria to release said men. The Commission was to come to make findings concerning the case they did come but the facts were never published.

3. **The absence of respect for the decisions** : these institutions do not have the required sanctions to influence member state to honor its decisions we see this in the numerous times that Member States had flouted the decisions of these public Institutions charged with protecting the rights of individuals a good case as any is the case of *International Pen, Constitutional Rights Projects, Interights on behalf of Ken Saro-Wiwa Jr. and Civil Liberties Organisation v. Nigerian* where the commission ordered temporary measures be put in place to forestall the trial and execution of Ken Saro-Wiwa without due process but the order was not complied with by the Nigerian Government.

## Solutions

I would recommend that the only thing needed for NGO's to gain access to these various institutions would be the ratification of the instrument that established the Institution. There should be no need for any further declarations as the one required by the African Court on Human and peoples right as such requirements give Member State wiggle room to not answer for their crimes and obstruct justice, which should not be so technicalities should not come in the way of justice but rather should aid it.

There should also be a number of representative from different states of the institutions who make most of the decisions made by the Assembly of the Head of States for the African Commission on Human and People's Right to ensure fairness and objectivity.

More stringent sanctions should be enforced on those who do not comply with the demands and orders given by these public institutions in order to serve as deterrent to others and also to compel obedience.