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Human rights which we already know are mostly violated by fellow individuals in the society and also by the government. Measures have been taken by Public Institutions in Africa to prevent the violations of these rights and aid its promotion. This Institutions take it as their sole responsibilities to ensure that human rights are being promoted. Some of these Public Institutions include: THE AFRICAN COMMISSION, THE AFRICAN COURT, THE ECOWAS COURT OF JUSTICE. Although these institutions have been set up which mandates is basically for human rights protection, they are still handicapped and still faced with challenges especially the Challenge of ENFORCEMENT.

**THE AFRICAN COMMISSION**, Which is an International commission and provided for in ARTICLE 30 Of the ACHPR, More so ARTICLE 1 of the ACHPR which provides that;Has been interpreted by the commission to be a threefold obligation or Mandate to the African Commission.This decision was reached by the commission in the case of ZIMBAWE HUMAN RIGHTS NGO4 V.ZIMBAWE 2002 and also, ASSOCIATION OF VICTIMS OF POST ELECTORAL VIOLENCE & INTERIGHTS V.CAMEROON.ARTICLE 45 provides for some functions in regards to the promotion/protection of individual’s rights.

Moreover, even with its mandate the commission still faces alot of challenges which are inherent/born with the commission. They include:

Firstly, ARTICLE 56, ACHPR which provides certain criteria to be fulfilled by Non-state entitities, NGOs and individuals. One of which is the exhaustion of local remedies. The victim of human right violation has to make use of local remedy in his state before meeting the commission and most times it is usually prolonged and time wasting. in the case of ARIORI V.ELEMO, were a land dispute case was dragged for 23 years, BELLO V.AG OF OYO STATE, due to use of Local remedies, before the case got to the Supreme court he was already executed.

Secondly, ARTICLE 58,which requests that in emergency or special cases, the head of state would be involved to proffer an indepth study to the case. This emphasizes the point that the Commission needs to be INDEPENDENT from assembly of state

Thirdly, receiving complaints from state/individuals is restricted to SIMPLE MAJORITY. ARTICLE 55 ACHPR, this implies that there may be some complaints by state parties or individuals which may not be taken into consideration.

SOLUTION

1.)These requirements need to be relaxed because human rights violation is an issue of necessity And time needs not to be wasted

2.)Also the commission doesn’t need interference from the assembly of head of state as it would jeopardize its INDEPENDENT NATURE

3.)Human rights complaints should be considered to encourage fairness.

**THE AFRICAN COURT**; The court’s decision unlike the commission was binding and final on state parties to the protocol. The court’s mandate is highlighted in ARTICLE 3 & 4 Protocol of ACHPR.The challenges include:

Unlike the African Commission, The African Court enables access to the court by state Parties, individuals and NGOs. ARTICLE 5 Protocol of ACHPR, but the problem lies in the declaration by those state parties which is found in ARTICLE 34(6), Which states that before the court would hear any of their complaints, such State has to accept the competence of the court. Most state parties view this as opposing their sovereignty and other individuals like the case of FEMI FALANA V.AFRICAN UNION as in controversy with some articles of the Charter.

Another issue is found in ARTICLE 56 ACHPR, which state some requirements for the case to be admissible.

SOLUTION

1.) States need to Understand that such declaration made by them has nothing to do with their sovereignty instead it only enables the Court to know that they trust its competence.

2.) As stated earlier, These requirements need to be reduced a little because of the time to fulfil them.

**ECOWAS COURT OF JUSTICE**; Has a Mandate to receive complaints of Human right violations and Interpret Human Rights instruments to determine rights and liabilities of the other party. Challenges include;

The Issue of individuals trying to get double compensation from the NATIONAL COURT AND ECOWAS COURT,the court states that exhaustion of local remedies is not a criteria to access the court, so the issue of lack of understanding of the complementary nature of the court is prevalent. ALIYU TASHEKU V.FRN and S’ADATU UMAR V.FRN. A case cannot be filed in the ECOWAS Court simultaneously with the Federal High court except there’s urgency.

Also, ARTICLE 10 NOW 11 grants the court power to render Advisory opinions to states, and the problem is that States now employ this advisory opinions as a guise of litigating pending disputes.

SOLUTIONS

1.) Individuals should be informed that they can’t seek compensation in both courts, only when such local remedy is prolonged.

2.) The Court should limit it’s advice to states who have properly shown capability of resolving such disputes.

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