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There are several public institutions in Africa. However, this paper would look into three public institutions in Africa that have sworn to protect and promote human rights. These institutions are;

1. The African Commission on Human and People's Rights
2. The African Court on People and Human and People's Rights
3. The Economic Community of West African States (hereinafter referred to as ECOWAS) Community Court of Justice

These three would be explained briefly.

1. The African Commission on Human and Peoples Rights
This Commission was established by **A. 30 African Charter on Human and People's Rights** (hereinafter referred to as ACHPR). The commission consists of 11 judges. Its functions can be found in **A. 45 ACHPR**. It is a quasi-judicial body.
2. The African Court of Human and People's Right
This court was established by **A.1 of the Protocol to the ACHPR**. It is noteworthy that protocols are supplementary treaties. The court came into force in 2004 after 26 states had signed it. This court is made up of 11 judges with six renewable years.
3. The ECOWAS Community Court of Justice
This court was established by **A. 11 of the ECOWAS Treaty**. The ECOWAS Community court of Justice had its own protocol formed in the year 1991 called **Protocol A/P1/7/91**. A supplementary protocol was also made to expand the jurisdiction of the court called **Protocol A/SP.1/01/05**. It now entertains individuals and other laws related to human rights.

PROBLEMS OF AFRICAN PUBLIC INSTITUTIONS

1. State-centric approach of the public institutions
2. Enforcement of Judicial decisions
3. Exhaustion of local remedies
4. Dependence of the public institutions on other institutions

These would be explained briefly.

1. The approaches of the public institutions in Africa are state centric. It would seem that the issue of sovereignty of state has been given a higher regard than the protection of human rights. This was in fact the issue in **Falana v African Union**. In this case Falana

argued that it was wrong for individuals to be denied access into the court based on the fact that states must make the declaration provided for in **A. 34(6) Protocol to the ACHPR**. This article provides that state parties must make a declaration in order for individuals and organizations with observer status in the African Union to come before the court. This is also in line with **A. 5(3) Protocol to the ACHPR**.

2. There is no co-operation between states and these public institutions. This is because the states do not enforce the decisions of the court. A vivid example is the case of **SERAP v FRN and UBE** and **SERAP and anor v FRN**, where the court held that the Nigerian Government is responsible for right to education and right to clean environment respectively as provided for by **A.1, 2,4,5,16, and 24 of the ACHPR**. Similarly in the case of **International Pen, Constitutional Rights Project, Interights on Behalf of Ken Saro Wiwa v Nigeria**, the African commission was too slow to act and Nigeria had not enforced its decision.
3. The exhaustion of local remedies as provided for by **A. 50 and 56 ACHPR**. With these provisions, it seems like the courts are encouraging violations of human rights to an irredeemable extent. This can be clearly seen in the case of **Ariori v Elemo**.
4. The public institutions in Africa are not independent. For instance, the African Commission is very much dependent on the assembly of head of state and head of government. This is evident in **A. 58 and 59 ACHPR**. In these articles, the commission has to inform the assembly of head of states about special cases of flagrant discrimination of human rights. Similarly the African Court is dependent on the African Commission as it asks for opinions from the Commission.

SOLUTIONS TO PROBLEMS IDENTIFIED

1. The public institutions should make more individual friendly laws and procedures. One way this could be done is by ensuring that individuals can come before these public institutions without restrictions.
2. The public institutions can bring about better ways that their decisions can be enforced. This can be done by ensuring better cooperation from member states. These public institutions can also create mutually beneficial friendship between them and member states.

3. Just like the ECOWAS Court, the African Commission and African Court on Human and People's Rights can remove the requirement that local remedies must be exhausted.
4. The Public Institution should ensure that they are independent from other institution. This is because they play a very crucial role in society. This would also ensure impartial judgments.

In conclusion, these public institutions have been given a mandate to protect and promote human rights. However, there is still much to be done to ensure that human rights are indeed protected and promoted.