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**The challenges plaguing Public Institutions in Africa, whose mandate is the promotion and protection of human rights.**

The protection and promotion of human rights in Africa have been the mandate of certain international institution, and these public institutions are in charge of the protection of human rights and its enforcement and promotion in Africa, however just like every other institution, they are fraught with flaws and disadvantages. This paper will discuss briefly the institutions some of its disadvantages and offer possible solutions to them.

1. **THE AFRICAN COMMISSION ON HUMAN AND PEOPLE’S RIGHTS**

The African Commission on Human and People’s Rights derives it’s legal backing from the African Charter (international instrument) and without further domestic adjustments in African states according to their system of domestication used. *Article 30* of the Charter makes provision for the establishment of the the African Commission on Human and People’s Rights. The commission shall consist of 11 members originating from African countries of which only one representative per each country who are worthy figures and posses traits of honesty, accountability and the spirit of harmony. The commission is a significant instrument of discourse because it attests to the motion that human rights are indivisible.

The commission possesses Judiciary mandate and promotional mandate which means they can adjudicate on issues between their member states and can persuade or advice parties on the action to take.

Some of its challenges include;

* Limited knowledge of State Parties on the operation of the Complaints procedure and other decision-making processes of the Commission;
* Limited knowledge of State Parties on the working methods of the Commission.
* General misgivings of the credibility and acceptability of decisions of the Commission;

**SOLUTIONS**

* Awareness should be made to African states concerning the commission, its mandate, how the commission operates and its member states should be sensitized on their obligations and the commissions implementation of decisions
* Making of decisions binding through the use of the Maputo Protocol

1. **AFRICAN COURT ON HUMAN AND PEOPLE’S RIGHTS**

The African court was established in *Article 1* of theProtocol to the African Charter in Human and People’s rights in June 1998, and it came into force in 2004. Its decisions are binding and final on state parties to the protocol. By virtue of *Article 11 of the Protocol to the ACHPR,* the court shall consist of eleven judges, of high morals, academic competence and expertise. *Article 3* also states the jurisdiction of the court, which are contentious and advisory. it’s stated that the court’s jury shall extend to all cases and disputes regarding the interpretation and application of the African Charter, it’s protocol and any other relevant Human Rights instrument ratified by member states. However compliance to the provisions in *articles 5(3)* & *34(6)* which states parties that can access the court and requirements, have posed to constitute one of the challenges of the court. Other challenges include;

* Individuals do not have direct access to the court to seek redress

**SOLUTIONS**

* The court should impose sanctions and punishments and for states who in non compliance with *Article 5(3)* of the Protocol
* Expanding the jurisdiction of the court to give individuals direct access to the court

1. **THE ECOWAS COURT OF JUSTICE (ECCJ)**

The ECOWAS court of justice is an example of a sub-regional body created to cater for human rights violations.

The ECOWAS Court of Justice is an organ of the Economic Community of West African States, which is a regional integration community of 15 member states in Western Africa. It was created pursuant to the provisions of *Articles 6 and 15 of the Revised Treaty of ECOWAS*. The composition of the ECCJ is contained under Article 3 of the Protocol on the Community Court of Justice.

Some of its challenges include;

* Inadequate manpower: The court consisted seven judges until recently when it was reduced to 5 by the member states, at meeting of the sub-regional body’s decision-making organ. Also the reduction of interpreters from six to nine which is slowing down court processes.
* Need for appellate chamber: It was argued that the absence of a venue where the court’s decisions could be reviewed contributed to why the court has not enjoyed the much-needed patronage and respect.

**SOLUTIONS**

* The seven judges as prescribed by the Protocol on the community court of justice should be strictly followed in order to give fair hearing to individuals
* The creation of an appellate chamber, he noted, will allow litigants exercise their fundamental right of appeal.

In conclusion, the public institutions which are charged with the mandate of protecting and promoting human rights have a lot of other challenges they face which are not included in this paper. However if the institutions were to follow the solutions highlighted, greater efficiency will be realized.