

In Africa, there are some institutions which were established and are mandated to promote, and protect human rights of its member states. These public institutions include:

1. The African Commission on Human and Peoples Rights
2. The African Court on Human and people's Rights
3. The ECOWAS Court of Justice

Regrettably, these institutes are burdened with some issues that have in one way or the other affected its effectiveness. Below, this writer would discuss the issues that have plagued these institutions.

The African Commission on Human and Peoples Rights

The Commission was established by the provisions of **Article 30 of African Charter on human and Peoples rights (ACHPR)**. This commission is saddled with some responsibility by **virtue of Article 45 of the (ACHPR)** which states its mandate to include: The promotion and protection of Human and Peoples Rights amongst other.

Challenges

The challenges faced by the commission are inherent with commission itself.

1. **Institution of communications with the Commission**

This is one major issue that has plagued the commission by Article 55 (**ACHPR**) communications from individuals other than state parties can be accepted by the commission if a simple majority of its members accept it. By virtue of **Article 56**, complaints would be received if they are reported after local remedies have been exhausted. This is an issue because especially with Human Rights violations, there is a need for an immediate response to ensure that victims do not suffer irreparable loss.

Solution:

This writer is of the opinion that to solve this issue, the commission has to look into the procedure for instituting communications and ensure that individuals need not exhaust local remedies before their case is considered.

The African Court on Human and people's Rights

The African Court was established by **article 1 of the protocol to the African Charter on human and Peoples rights (ACHPR)**. The court was established with the intent to correct the wrongs on the commission. It is mandated to complement the protective mandate of the commission. **By virtue of Article 3** the court has both an advisory and contentious jurisdiction.

The ECOWAS Community Court of Justice

The **ECOWAS Court is the judicial arm of ECOWAS** and it was established by Protocol A/P1/7/91.

Challenges.

Individuals assess to the court

By Article 8 of the supplementary Protocol, individuals have access to the court for private issues. However, the individual must be directly affected hence, people have no rights to question administrative decisions of organisations that have no direct effect on their rights.

Solution:

This provision should be looked into as individuals should be able to hold their government accountable for its decisions even though they are yet to affect them or have affected.

The collective challenges of these public institutions

1. Enforcement of decisions taken by the institutions

This is one issue that has collectively plagued the public institutions discussed above. Without the enforcement of judgements, justice cannot be said to be meted and the rights of people are not duly protected. This lack of enforcement has been a challenge for these public institutions. In the case of *International Pen, Constitutional Rights Project, Interights on behalf of Ken Saro – Wiwa Jr and Civil Liberties Organisation V. Nigeria*. The commission ordered interim measures to forestall the trial of Wiwa this order was ignored by the Nigerian government and Wiwa was later executed. After this violation of the Commission's order, there was nothing done to keep the Nigerian Government accountable for its decision to obey the commission.

Solution:

I believe that the best way for these institutions to ensure that member states are compliant with its decisions is to keep them accountable. Where a member state decides to flaunt the

judgements or decisions of either the court or the commission, there should be a resultant effect such that the State is in some way “punished” for not compiling to decision reached by the institutions. This would help enforcement of rules and protection of rights.

2. Lack of Awareness

Another issue common to all three institutions is the lack of awareness of citizens of member states. Generally speaking, the common man in Nigeria for instance has no idea that the country is a member of some intuitions. Where citizen are unaware of the fact that their rights are protected, the violation of such rights are inevitable.

Solution:

This writer is of the opinion that the public institutions should carry out enlightenment campaigns in each of its member states to ensure that the lager population is aware of their existence and the fact that the institutions protect rights. Also, member states can be required to add in its curriculum,

In conclusion, it is common for institutions to be plagued with challenges however, it is pertinent that solutions are proffered in order to be much more effective