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TEST

Public institution such as the African Commission, The African Court of Justice, Ecowas Court of Justice are charged with the responsibility of promoting and protecting human right. Preventing violations of human right of any kind. The commission dooes this by appointing groups who will investigate matters to ensure there is no human right violation and the courts are there to help the commission in preventing violation of human rights and also with the responsibility of providing compensation to those who are victims of this human right violation. They are also charged with the responsibility of considering individual complaint on violation of humar right and taking measures that deems necessary during extreme gravity and urgency.

**ARTICLE 45 of the charter** states that the functions of the commision shall be to : promote human and peoples right, protection of human and peoples right, interpretation of the African Charter on Human AN Peoples Right and perform other task which may be entrusted to it by the Assembly of Heads of State and Government.

In pursuit of this goal the government is mandated to collect document, undertake studies and researches on African problems in the field of human and people right, and should the case arise give its views or make recommendation to government.

However there are challenges facing this Public Institution which makes it on easy to archieve their goal;

1. **Exhaustion of local remedies**: **ARTICLE 55 of the ACHPR** provides that the commission may consider communication from persons other than the state parties, only if a simple majority of its members accept such communication. However, **ARTICLE 56** also provides that such communication may be accepted if they were made after exhaustion of local remedies, unless it is obvious to the commission that the local procedure is unduly prolonged. This is one great issue faced by the commission. This article is very difficult to comply with by individuals or non-state parties because certain violation requires immediate attention and the victim might suffer loss if he or she should wait for the exhaustion of local remedies
2. **Improper follow up by the commission**: **Article 59(1)** provides that reports of the commission may be concealed from the public and this has the effect of sanctioning or allowing impunity. One of the issues faced is improper follow up by the commission in other to ensure that regulation as well as instructions relating to human right are adheard to and not able to public fact found to the publuc for the public to know if the issue was attended to or not is another issue. This was further confirmed in **Respect of Zamani Lekwot and Six others Vs Nigeria.**
3. **Judiciary are not adequately independent**: Because of the inadequate independence and impartiality of judges at the African Court of Justice, African leaders will continue to unconstitutionally modify state constitution so as to remain in power which will definitely affect the promotion of human right.
4. **Inadequate manpower**: This is a challenge because the court had seven judges until recently the member state decidede to reduce the judges to five which is not adequate because it reduces the effective operation of the court and it compels the remaining five judges to over labour themselves and creat difficulties in the composition of miltiple panels to hear the rising number of cases

The number of translator was also reduced from nine to six and with the number of cases on groung relying more and more on freelance translators for the translation of court processes. **ARTICLE 19 of the Rules of Procedures of the Ecowas Court of Justice**

1. **Poor enforcement of court decisions**: Member state reluctance to comply with the courts decisions, by ensuring prompt implementation of its judgements constitute another challenge knowing for the fact that the judgement of this court are binding on members states, institutions of ECOWAS, individuals and corporate bodies. It can also be seen that only Five member state have appointed the Competent National Authority for the enforcement of its decision and as a result of this the ECOWAS Court operations are crippled by member states actions and inactions.

**REMEDIES**

1. Unless the states give up some parts of their national sovereignty and empower regional integration institution to make binding decisions on their behalf, and implement them at national level, little progress can be made
2. For effective delivery of justice and realisation of community economic integration objectives, it is very important for member state to demonstrate greater political will in the enforcement of the courts judgements as required by the community of law
3. The council of ministers shall exercise the duty of monitoring the execution of judgement. **ARTICLE 29**
4. **ARTICLE 27 (2)** empowers the court with the jurisdiction to take measures as deemed necessary during extreme gravity and urgency.