The public institutions in Africa includes,

***African commission on human and people’s right,***

***the African court on human and people’s right***

***and the ECOWAS community court.***

THE AFRICAN COMMISON

Established on 21st October 1986 by article 30 of the ACHPR.

The mandate of the commission is the promotion of human and peoples right, the protection of human and peoples right, interpretation of the provisions of the charter and any other tasks assigned to it by the OAU assembly.

AFRICAN COURT ON HUMAN AN PEOPLES RIGHT

Established in article 1 of the protocol to the ACHPR.

It is a court which reinforces the function of ACHPR, it is a court established by African countries to ensure the promotion and protection or the human right in Africa.

THE ECOWAS COURT OF JUSTICE

Protocol A/P1/7/91 which establish the community court was signed on july 6th 1991 in Abuja, came into force in 1996 November 5th. It has right to receive matters on human right abuses.

**CHALLENGES OF THE INSTITUTIONS**.

Here, I will discuss the challenges of the African court and the African commission together because they are similar.

The challenges of the commission are inherent in the constitutional instrument, its powers function and jurisdictions very restricted.

1. Lack of communication and admissibility

Art.55 allows communications from persons other than state parties.

However, at the beginning of every session every list of complaints shall be compiled by the secretary. 11 members , of simple majority of them will then determine which of the complaints to address or decline.

1. Article 56, such communications will be accepted upon exhortation of local remedies. Example is the usually long procedure that one has to adopt before ones problem can be addressed.
2. *In international pen, constitutional right project interright on behalf of Ken Saro Wiwa jr. and civil liberty organization v. Nigeria*

The commission had ordered an interim measures to forestall the trail and eventually the execution of ken saro wiwa and others without due process. The order wasn’t complied with by the Nigerian government and the commission nominated the case to be discussed at its next visit to Nigeria which they came years later after the execution. But since then nothing been done by the commission after the violation.

1. Funding, the donations from members is the main source of funding, when there’s more to achieve.
2. The African court decisions are sometimes disregarded by the state parties, as its decisions are not binding on member states.
3. Because of the diversity of Africa, the court faces a lot of challenges in deciding the disputes.

SOLUTION

In respect to communication,

the ACHPR should organize additional implementation seminars to ensure continued dialogue with and between state parties, NHRs and NGOs.

Develop a communication strategy , taking into account the special relationship between the commission, state parties and NHRs and consult the stake holders in the formulation on the strategy.

Funding ; identify and concentrate on mandate areas of comparative advantage by refocusing financial and human resources on these areas.

Also, always copy the relevant state embassies in Addis ababa for all correspondences to and from the commission .

There should be more commitment on the part of the state parties.

THE ECOWAS COURT challenges

1. exhaustion of local remedies

This is mainly responsible for the increasing number of cases of human rights violations lodged before the Court.

1. the problem of access to the court

the geographical location of the Court at Abuja makes it difficult for Community citizens to have unfettered access to the Court because of the distance to Abuja from most parts of the Community and transportation difficulties.

**3, there** is no provision in the Protocol or Rules of the Court for Legal Aid for indigent litigants.

**4.** judgment of the court enforceable by Nigerian government ?

the case of SERAP v. Federal Republic of Nigeria & Anor. In the SERAP case, the ECOWAS Court ruled that the Federal Government of Nigeria should provide free and compulsory basic education to every Nigerian child but it has not been enforced by the Government though it was a judgment gotten in 2010.

Thus, it may seem that the Treaties relating to the ECOWAS Court are not binding on Nigeria as they have not been expressly ratified. So therefore ratification is necessary.

Solutions

The court should not be one. There should be several to allow easy access

An adequate court complex to enable it carry out its mandate and ensure that citizens benefit from the activities of the court.

Establishment of an appellate chamber for the Court.

Establishment of Legal Aid Fund to facilitate access to justice for victims of human rights abuses that cannot afford legal representation.