Name: Obasi Chimere Grace Matric Number: 17/Law01/196 Course Title and Code: Human Rights Law II (LPI306) Assignment Title: Public International Institutions Lecturer: Dr Hilary There are regional bodies that help maintain mechanism for co-ordinating their member states for the purpose of enforcing human rights. In Africa we have mechanisms like Africa Commission on Human and People's Right, Africa Court on Human and People's Right, ECOWAS Community Court of Justice and so on. There are some underlying challenges plaguing these public institutions in Africa whose mandate is the promotion and protection of human rights. I shall be identifying and examining the challenges these institutions are facing and try to profer some solutions to the problems I'll identify.

1. Reporting of human rights violations

Under the ACHPR, article 55 provides that the commission may consider communications from persons other than state parties only if a simple majority of its members accept such communication.

2. Exhaustion of Local Remedies

Article 56 of the treaty of the ACHPR provides that such communications may be accepted if they were made after the exhaustion of local remedies unless it is obvious to the commission that the local procedure is unduly prolonged. This article is particularly difficult to comply with by imdividual or non-state parties because certain violat ions require immediate redress and the victim might suffer irreparable loss should he await exhaustion of local remedies

3. Favouring of State Sovereignty

After the conclusion of its report, the assembly of heads of states and governments determine whether the reports may be published. It is obvious that the Assembly Heads of State and governments has a firm grip on the commission. This is strengthened by article 59(1) ACHPR. In Constitutional Rights Project (in respect of Zamani Lekwot and six others v. Nigeria, The commission found Nigeria guilty of violating article 7(1) (a,c&d) of the charter and recommended that Nigeria should free the applicants. When the commission decided to "bring the file to Nigeria for a planned mission in order to make sure that the violations have been repaired". The commission visited Nigeria but the facts it found were never published.

Under the ACTHPR, Article 34(6) gives member states the freedom to decide whether their individuals and NGO's can enforce action in the court.

4. Unfair Advisory Jurisdiction.

The ACTHPR in the rendering of advisory jurisdiction to a possible sate party is unfair because they might get an added advantage on how the court might rule if they decide their case to the court.

Solutions

- The public institutions for enforcing human rights should allow NGO'S and individuals to enjoy unlimited access to their courts for the redress of the violations of human rights
- 2. The public institutions should make it binding and compulsory on member sates to enforce the treaties and protocols in their constitution
- 3. The exhaustion of local remedies should not be made compulsory on aggrieved individuals
- 4. The ACTHPR should not render advisory jurisdiction to possible state parties which can bring an action in the court against another state