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**THE AFRICAN COMMISSION**

The African Charter gives life to African commission thereby African commission is an international organization. It is established by ***Article 30 of the African Charter on Human and People’s Rights.***The commission according to the Charter shall be made of 11 members originating from African countries of which only one representative per each country and people who are worthy figures coupled with having traits of honesty and other virtues. Its mandate is provided in **Article 45 of the African Charter**

**THE AFRICAN COURT**

The OAU endorsed the Protocol to the African Charter on Human and People’s Rights on the Establishment of the African Court on Human and People’s Rights which came into force 25 January, 2004. It is established by virtue of Article ***1 of the Protocol***. The court was set up to augment the African Commission on Human and People’s Rights. By virtue of ***Article 11,***is composed of 11 judges. ***Article 3*** gives the court both contentious and advisory jurisdiction. The court is however precluded from deciding matters that are s. In ***Efua Samuel v The Pan African Parliament***, the court held that it lacked jurisdiction to hear a claim based on a breach of employment contract,

**The ECOWAS COURT OF JUSTICE**

***Protocol A/P1/7/91*** which established the community court was signed on July 6, 1991. It came into force in November 5th, 1996. ***Article 3 of the Protocol*** provides for its composition. It has both contentious and advisory jurisdiction. The court has the mandate to ensure the observance of law and of the principles of

**CHALLENGES OF THE PUBLIC INSTITUTIONS IN PROMOTING AND PROTECTING HUMAN RIGHTS IN AFRICA.**

1. ***SOVEREIGNTY OF STATES:***

All member states making up these institutions are solely independent and are deemed to be equal. This is a problem because states cannot interfere in the affairs of other states. The African Charter can only be used in states who have domesticated for it for instance; in Nigeria, ***Section 12 of the CFRN*** establishes the fact that any international treaty domesticated in the country is enforceable in Nigeria. It is at the discretion of the state to submit itself to the jurisdiction of these institutions to hear its matters.

1. ***Weak Enforcement Machinery:***

Due to how these public institutions are set up, their enforcement mechanism is usually poor. Due to the extensiveness of the rights and duties enshrined in the African Charter, African States might be reluctant to bring it into force by ratification and adherence. They most of times ignore the judgements of these institutions. This was exactly the case in ***Ken Saro-Wiwa v. Nigeria***.

1. ***POOR COMMUNICATION AND VISIBILITY:***

Member States in this case fail to disseminate the decisions of these institutions as promptly as they should to its citizens. This makes its citizens feel these institutions are not functional. In ***Zamani LEKWOT V Nigeria*** where the commission found Nigeria guilty by virtue of ***Article 7*** but couldn’t report it to the public because of ***Article 59(1)*** which states that reports of the commission be concealed from the public and this impliedly allows impunity.

1. ***LACK OF FUNDS:***

These institutions lack the needed funds to carry out the problems expected of them.

1. ***Lack of Commitment by State Parties:***

States fail to fulfil the mandate of the institution or to the provisions of the charter. They deliberately fail to comply to ***Article 62 of The African Commission.***

**SOLUTIONS**

1. ***Improve Sanctions on Erring States:***  Though all states are equal, states should ensure serious sanctions are placed on erring members who massively violate human rights. It could be economic sanctions which would affect them seriously. This sanction should remain until the states decides to obey the institutions.
2. ***Creation of Awareness:*** States should ensure that no effort is spared in ensuring that the charter does not remain unconsummated. This can be done by using other institutions like trade unions and in tersest groups to create awareness among the African masses. This would increase the willingness of African Government to translate commitment into action.
3. ***Improve Visibility and Awareness of Communication:***the states should endeavour to disseminate documents of these institutions so that its citizens would believe the visions of the member states is being actualized. Nation-States should try to popularise the instruments of the commission through training of stakeholders and engaging the media.
4. ***Provision of Funds:*** States should ensure it pays its membership dues in order to ensure the institutions have enough money to carry out its activities.
5. ***Improved Commitment from State:*** States should develop national plans for the implementation and follow up of decisions from regional and international treaty bodies.