

## Question 24 (6 marks)

With reference to ONE contemporary human rights issue, explain the role of state sovereignty in enforcing human rights.

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With respect to the issue of child soldiers, state sovereignty has been a huge boundary. Despite ~~the~~ the 2005 "R2P" policy, many leaders employing child soldiers can use state sovereignty as a shield from the ICC established in 2002 by the Rome Statute. Thomas Lubanga Nyirwa was detained in 2006 by the ICC, but only after ~~the~~ Congo turned him over. Additionally, at present he has still not been sentenced. Nonetheless, the use of soldiers under 15 is an offence under customary international law, so both the ICC and countries claiming universal jurisdiction can prosecute it. However, there is the further issue that some states like Australia, who have signed the optional protocol, recruit 17 year olds; child soldiers, making prosecution seem somewhat hypocritical.