

9-22-2014

The Responsibility to Protect in the Ebola outbreak

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Recommended Citation

Jennifer Moore, *The Responsibility to Protect in the Ebola outbreak*, Oxford University Press Blog (2014).
Available at: https://digitalrepository.unm.edu/law_facultyscholarship/361

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Humanitarian protection for unaccompanied children from Central America

By Jennifer Moore

OUP Blog
July 30, 2014

We are approaching World Humanitarian Day, an occasion to honor the talents, struggles, and sacrifices of tens of thousands of humanitarian workers serving around the world in situations of armed conflict, political repression, and natural disaster. The nineteenth of August is also a day to recognize the tens of millions of human beings living and dying in situations of violence and displacement in West Africa, the Middle East, Central America, and every corner of the globe.

The notion of humanitarianism is linked to humanitarian law, the law of armed conflict or *jus in bello*, which strives to lessen the brutality of war, guided by the customary principles of distinction, necessity, proportionality, and humanity. But humanitarian workers animate these humanitarian principles on the ground in situations of human catastrophe that span the continuum of human and natural causation and overwhelm our capacity to categorize human suffering.



US/Mexico border fence near Campo, California, USA.
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Today, humanitarian workers are active in every country in the world: from International Committee of the Red Cross workers in Nigeria helping displaced persons from [communities attacked by Boko Haram insurgents](#); to UN High Commissioner for Refugees staff in Jordan and Lebanon [assisting refugees](#) from the civil war in Syria and Iraq; to Catholic Charities [volunteers and staff in Las Cruces](#), New Mexico, United States sheltering women and children fleeing gang violence, human trafficking, and entrenched poverty in Central America.

Humanitarian emergencies, whether defined in military, political, economic or environmental terms, have certain basic commonalities: life and livelihood are threatened; communities and families are fractured; farms and food stores are destroyed; and people are forced to move — from village to village, from rural to urban area, from city to countryside, or from one country or continent to another.

Humanitarian workers who engage with communities in crisis are not limited to one legal toolkit. Rather, they stand on a common ground shared by humanitarian law, human rights law, and refugee law. Their life-affirming interventions remind us that all these frameworks are animated by the same fundamental concern for people in trouble. Whether we look to the 1949 Geneva Conventions and the [principle of protecting the civilian population](#); to the 1948 Universal Declaration of Human Rights and its [norms of family unity](#) and [child welfare](#); to the 1951 Refugee Convention and its prohibition against the [forced return or refoulement](#) of individuals to threatened persecution; or to the enhanced protections accorded unaccompanied children in the United States under the [Trafficking Victims Protection Reauthorization Act of 2008](#), the essential rules are remarkably similar. Victims and survivors of war, repression, and other forms of violence are worthy of legal and social protection. It is humanitarian workers who strive to ensure that survivors of violence enjoy the safety, shelter, legal status, and economic opportunities that they require and deserve.

For the unaccompanied children from Central America [seeking refuge in the United States](#), humanitarian protection signifies that they should have the opportunity to integrate into US communities, to have access to social services, to reunify with their families, and to be represented by legal counsel as they pursue valid claims to asylum and other humanitarian forms of relief from deportation. When the US Congress passed the Refugee Act in 1980, it was in recognition of our humanitarian obligations under international refugee law. As a signatory to the 1951 Convention relating to the Status of Refugees, the United States pledged not to penalize refugees for their [lack of legal status](#), but rather to protect them from [deportation to threatened persecution](#). These humanitarian obligations preexist, animate, and complement specific provisions of federal law, including those that facilitate the granting of T visas to [trafficking victims](#), [humanitarian parole](#) to individuals in emergency situations, and [asylum to refugees](#). When new emergencies arise, our Congress, our executive, and our courts fashion the appropriate remedies, not out of grace, but to ensure that as a nation we fulfill our obligations to people in peril.

As an American looking forward to World Humanitarian Day, I am thinking about the [nearly 70,000 unaccompanied children from Central America](#) apprehended by the US Customs and Border Protection agency over the past 10 months; the 200

Honduran, Salvadoran and Guatemalan women and children who have stayed at the Project Oak Tree shelter in the border city of Las Cruces, New Mexico this month; and the over 400 children and families detained within the Federal Law Enforcement Training Center in the [small town of Artesia](#), New Mexico this very week. These kids and their families are survivors of poverty, targets of human trafficking, victims of gang brutality, and refugees from persecution. They have much in common with the displaced children of Northern Nigeria, Syria, and Iraq. Like their counterparts working with refugees and displaced persons throughout the world, the shelter volunteers, community residents, county social workers, immigration attorneys, and federal Homeland Security personnel who help unaccompanied children from Central America in the United States are all humanitarian workers. But so are our elected officials and legislators. And so are we. How will we honor World Humanitarian Day?

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