

**Human Rights Council****Fifty-first session**

12 September–7 October 2022

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action****Children of African descent****Report of the Working Group of Experts on People of African Descent\*, \*\****Summary*

The present document contains the report of the Working Group of Experts on People of African Descent on its twenty-ninth and thirtieth sessions, prepared pursuant to Human Rights Council resolutions 9/14, 18/28, 27/25, 36/23 and 45/24.

During its twenty-ninth session, held in Geneva from 15 to 19 November 2021, the Working Group held private discussions. At its thirtieth session, held in New York from 23 to 27 May 2022, the Working Group focused on the theme “Children of African descent”.

The Working Group concluded that racial discrimination continued to harm children of African descent. It discussed racial discrimination and inequality faced by children of African descent in all areas of life, including administration of justice, law enforcement, education, health, family-regulation systems, and development, as well as redress for legacies of enslavement, colonialism and racial segregation. In the present report, the Working Group makes a number of recommendations, among others, calling upon States to recognize the importance and ensure the promotion and protection of the human rights of children of African descent, including in the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent.

\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.

\*\* The annex to the present report is circulated as received, in the language of submission only.



## **I. Introduction**

1. The Working Group of Experts on People of African Descent held its twenty-ninth session at the United Nations Office in Geneva from 15 to 19 November 2021 and its thirtieth session at United Nations Headquarters in New York from 23 to 27 May 2022. The present report is submitted to the Human Rights Council in accordance with Council resolutions 9/14, 18/28, 27/25, 36/23 and 45/24, in which the Council requested the Working Group to submit an annual report on all activities relating to its mandate. The report is focused mainly on the deliberations of the Working Group at its thirtieth session.
2. Representatives of Member States, international organizations, regional organizations and non-governmental organizations and invited panellists participated in the thirtieth session (see annex). It was also webcast and recorded.

## **II. Organization of the thirtieth session**

### **A. Opening of the session**

3. In his opening statement, the Director of the New York Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomed the organization of the Working Group's first session outside Geneva and recalled the history of the calls for human rights of people of African descent in the United Nations in New York, by African Americans such as W.E.B. Du Bois, Martin Luther King Jr., Malcolm X and Ralph Abernathy. He stated that, from an early age, children of African descent were exposed to the harsh realities of racism and racial discrimination. He noted that racial discrimination was pervasive for people of African descent, rooted in the systemic nature of racism and the failure to acknowledge, remedy and redress the legacy of enslavement, colonialism and racial segregation. Moreover, the collective mission of racial justice, racial equality and human rights was challenged amidst the rise of white supremacy, neo-fascism, racism, xenophobia and far-right ideologies, as well as apartheid and Nazism. He expressed the Office's solidarity with and full support for the Working Group, adding that its work had never been more important.
4. The Prime Minister of Barbados, Mia Mottley, delivered the keynote address. She stated that people of African descent existed in a world very much afflicted by systemic racism, with many of the structures and institutions inheriting and manifesting the prevailing effects of an unresolved past and that of great empires that still ruled. She highlighted the importance of reconciling with history through deliberate steps to ensure that the inhumanity and injustices of the past were never repeated. She also shared how Barbados was grappling with the legacies of the past while committing to a future that guaranteed equality for all as enshrined in its Constitution. She encouraged the Working Group and all stakeholders engaged on the issue to continue to strive for a bright future for children of African descent through strong partnership and common purpose.

### **B. Election of the Chair**

5. Catherine S. Namakula was elected Chair of the Working Group. Barbara G. Reynolds was elected Vice-Chair.
6. The outgoing Chair, Dominique Day, welcomed Ms. Namakula as the new Chair of the Working Group and thanked the other members for their contributions. She acknowledged the achievements of the Working Group, and the need to continue efforts to encourage more States to implement the Working Group's recommendations.
7. Ms. Namakula thanked the other members for her election, the outgoing Chair for her work and the participants for their support.

### C. Organization of work

8. The Working Group adopted the agenda<sup>1</sup> and programme of work for its thirtieth session.

## III. Activities of the Working Group (July 2021–July 2022)

9. The Chair informed participants that the Working Group had submitted its annual report on its twenty-eighth session to the Human Rights Council at its forty-eighth session.<sup>2</sup> It had also engaged in a constructive interactive dialogue with Member States during that session of the Council. The Working Group had presented its annual report to the General Assembly at its seventy-sixth session<sup>3</sup> and had participated in an interactive dialogue with the Third Committee of the Assembly on 27 October 2021.

10. At its twenty-ninth session, the Working Group held closed meetings during which it considered internal matters, including future work, country visits and communications, and also held consultations with various stakeholders, including representatives of Governments, civil society and OHCHR. The Working Group took a number of decisions during the session, including on thematic reporting on further engagement with newly established mechanisms such as the Permanent Forum of People of African Descent and the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement. It also met with the Committee on the Elimination of Racial Discrimination to continue collaboration between the two mechanisms on issues of mutual concern.

11. The Working Group undertook a country visit to Portugal from 29 November to 6 December 2021. It was the first country visit since pandemic-related restrictions on travel that had been implemented following the Working Group's visit to Peru in March 2020. The Working Group issued a media statement with its preliminary findings at the end of its visit. The Working Group concluded its visit to Switzerland from 17 to 26 January 2022, and held a media conference afterwards. The Chair thanked the Governments of Portugal and Switzerland for cooperating with the Working Group and in facilitating those visits.

12. The Working Group continued to actively participate in events, to interact with civil society and assist stakeholders in the implementation of the programme of activities for the International Decade for People of African Descent. In 2021, the Chair and members of the Working Group had seized opportunities to raise awareness and call for the implementation of the Decade, including through country visits. The Working Group welcomed General Assembly resolution 75/314, in which the Assembly had established the Permanent Forum of People of African Descent, after it was envisaged under the programme of activities for the implementation of the International Decade for People of African Descent, in 2014. The Working Group also welcomed the regional meeting for the Middle East on the International Decade to be held in Qatar on 25 and 26 September.

13. The Working Group has actively engaged with Member States through its communication procedures. During the reporting period, the Working Group sent 19 communications regarding allegations of human rights violations, to Brazil, France, Ireland, Libya, Morocco, Spain, Switzerland, Tunisia, the United States of America and other actors. The communications sent and replies received are included in the joint communications reports of special procedure mandate holders submitted to the Human Rights Council.<sup>4</sup> The Working Group also issued 12 media releases and statements. The Working Group urged States to ensure accountability for human rights violations faced by people of African descent and end structural racism.

14. The Working Group conducted a technical visit to Paris, hosted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), from 13 to 16 December 2021. It met with representatives of civil society, including people of African descent, the

<sup>1</sup> [A/HRC/WG.14/30/1](#).

<sup>2</sup> [A/HRC/48/78](#).

<sup>3</sup> [A/76/302](#).

<sup>4</sup> [A/HRC/51/3](#), [A/HRC/50/3](#) and [A/HRC/49/3](#).

Foundation for the Remembrance of Slavery and the National Consultative Commission on Human Rights. The visit was within its mandated activities<sup>5</sup> and was focused on the fields of cultural and knowledge production as drivers of economic development, consistent with the Sustainable Development Goals. Despite persistent narratives of meritocracy, individuals at various stages of their career (including those who had achieved significant professional success) reported that the approval and support of gatekeepers within established institutions, rather than simply the quality of work, were required for access to and recognition in various fields. Accordingly, their work continued to be filtered by the “white gaze”, complicating efforts to introduce new perspectives and approaches. The Working Group emphasized that achieving the 2030 Agenda for Sustainable Development required States to address the particular, racialized experiences of people of African descent. It issued a statement and a press release at the end of the visit.<sup>6</sup>

15. Among other activities undertaken by the members of the Working Group, Ms. Day participated in the following: (a) the high-level meeting of the General Assembly to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action held in New York on 22 September 2021, on the theme “Reparations, racial justice and equality for people of African descent”; (b) the nineteenth session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, held in Geneva from 11 to 22 October 2021; (c) an interactive dialogue of the Social Forum of the Human Rights Council on the theme “COVID-19 and Groups in Focus”, held in Geneva on 12 October 2021; (d) expert meetings for the UNESCO “Cost of racism” project held in Rio de Janeiro, Brazil, on 5 and 6 April 2022; (e) the annual meeting of the UNESCO International Scientific Committee on the Routes of Enslaved Peoples project, on the theme “Legacies of the past, building the future: mobilizing afro-descent stories,” held in Halifax, Canada, from 9 to 11 June 2022; (f) a webinar of the United Nations network on racial discrimination and protection of minorities on the theme “Equal access to justice for all: combating racial discrimination and enhancing protection of minorities in criminal justice systems”, held online on 19 January 2022; (g) a panel discussion on racial justice in Europe at the Fundamental Rights Forum held in Vienna on 11 and 12 October 2021; (h) a discussion on the theme “Ending racism: current challenges and solutions” at the opening session of the World Bank Law, Justice and Development Week, held online from 8 to 11 November 2021; (i) the United Nations Population Fund (UNFPA) Global Leaders Dialogue on People of African Descent, held on 9 September 2021; and (j) a side event on the theme “Climate justice and women, girls, and birthing persons of African descent” organized by UNFPA, the National Birth Equity Collaborative and others and held online on 23 March 2022 during the sixty-sixth session of the Commission on the Status of Women. Ms. Day also participated in several consultations relating to the report of the United Nations High Commissioner of Human Rights on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,<sup>7</sup> and accompanying conference room paper,<sup>8</sup> submitted pursuant to Human Rights Council resolution 43/1, and the work of the UNFPA reference group on maternal health and maternal mortality for women of African descent. Ms. Day gave keynote remarks at several civil society events, including: (a) a side event entitled “Decisive action to reform laws that criminalize poverty and status”, at the thirty-first session of the Commission on Crime Prevention and Criminal Justice, held in Vienna from 16 to 20 May 2022; (b) the eleventh edition of RightsCon, held online from 6 to 10 June 2022; (c) the celebration of Global African Women’s Day on 16 March 2022 by the Drammeh Institute, New York; and (d) the British Institute of International and Comparative Law conference on the theme “Human rights due diligence and systemic inequalities”, held online on 25 and 26 October. Ms. Day

<sup>5</sup> In accordance with its mandate, the Working Group liaises with financial and developmental institutional and operational programmes and specialized agencies of the United Nations with a view to contributing to development programmes intended for people of African descent, as well as other affirmative or positive measures and strategies within the human rights framework.

<sup>6</sup> OHCHR, “Capacity building visit of the UN Working Group of Experts on People of African Descent in partnership with UNESCO”, 17 December 2021.

<sup>7</sup> [A/HRC/47/53](#).

<sup>8</sup> [www.ohchr.org/sites/default/files/Documents/Issues/Racism/A\\_HRC\\_47\\_CRP\\_1.pdf](http://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf).

and Ms. Namakula spoke at an event entitled “Amplifying global Black narratives: a global African family reunion”, hosted by the Most Influential People of African Descent online from 1 to 4 October 2021. Ms. Day participated in academic activities in the United States with the programme of advanced studies on human rights and humanitarian law of the American University Washington College of Law (June 2022), Perry World House at the University of Pennsylvania (February 2022), the Police Violence Symposium at Dartmouth College (April 2022) and the symposium held by Touro Law School on the theme “Globalism and restorative justice” on 16 February 2022. On behalf of the Working Group, Ms. Day provided a written submission to the hearing by the Congress of the United States on the Commission to Study and Develop Reparation Proposals for African Americans Act in the United States and gave a written contribution to the research on the theme “Reflections on the name of Palais Wilson” undertaken by the Geneva Academy of International Humanitarian Law and Human Rights. On 15 October 2021, Ms. Day and Ms. Namakula participated in a webinar on the theme “Racism and Afrophobia”, which preceded the Africa and African Diaspora Conference convened by the World Council of Churches; and on 12 and 13 May 2022, Ms. Day and Ms. Reynolds participated in the Africa-African Diaspora-Caribbean Community (CARICOM) dialogue on recognition, justice and development on the theme “Shaping the present for the future we want”, hosted by UNFPA and the University of the West Indies.

16. In cooperation with the International Human Rights Clinic at Rutgers University in the United States, the Working Group made an amicus submission to the Inter-American Court of Human Rights on voting rights for people who are incarcerated. Ms. Namakula and Ms. Reynolds met with the Organization of American States Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination, Margarete May Macaulay, on 30 May 2022. Ms. Namakula and Ms. Reynolds also met with the CARICOM Reparations Commission to discuss technical cooperation in the region. On 29 April 2022, Ms. Reynolds made a presentation on Racial Justice in Latin America and the Caribbean at the University of New Orleans and, on 22 November 2021, she participated in a webinar on the theme “Debt cancellation as anti-racism in times of Black Lives Matter protests”, organized by the World Council of Churches. On 27 June 2022, Ms. Namakula participated in a side event of the fiftieth session of the Human Rights Council to mark World Drug Day and, on 26 July 2022, she participated in an event to mark International Afro-Latin American, Afro-Caribbean and Diaspora Women’s Day. Members of the Working Group also participated in a side event at the Civil Society 20 summit and a meeting with the International Youth and Student Movement for the United Nations at its summer school, among others. The Working Group also offered expert analysis and a report on a case in Switzerland of particular relevance to several special procedure mandate holders. Throughout the year, the Working Group members gave individual interviews to the media.

## **IV. Summary of deliberations**

### **Thematic analysis: children of African descent**

17. The Working Group devoted its thirtieth session to exploring human rights through the racial discrimination and inequality faced by children of African descent in all areas of life, including administration of justice, law enforcement, education, health, family-regulation systems, and development, as well as redress for legacies of enslavement, colonialism and racial segregation.

18. The first thematic panel of the session was on the theme “Safeguarding the health and well-being of children of African descent”. In her introductory remarks, the Chair of the Working Group highlighted that discussions on health came first strategically, because the health of children was everything. It was one of the three components of the human development index and an anchor for all other rights. The panel was chaired by a member of the Working Group, Sushil Raj. He noted that international human rights standards concerning the right to survive and develop and the right to the highest attainable standards of health articulated in the Convention on the Rights of the Child countered observations of the Working Group in practice. Multiple and intersecting forms of structural racism created

disparities in health and well-being.<sup>9</sup> Miriam Ekiudoko, another member of the Working Group, noted that racial disparities for children of African descent were evident in mortality rates, inadequate health services, lack of proper nutrition, risk of trafficking and inadequate education.

19. The Chief of the Gender and Human Rights Branch of UNFPA presented an analysis of the state of health and well-being of children and adolescents of African descent, examining the intersections with gender and other demographic markers and specifically referencing the challenge posed by the lack of data disaggregated by race and ethnicity in many States. She spoke about Latin America, where adolescent pregnancy existed at higher rates for girls of African descent, as did higher rates of maternal mortality, gender-based violence, sexual violence, trafficking, intimidation and torture that, in many instances, ended in femicide. She highlighted the urgent need for Governments to invest in disaggregated data showing the complexity and magnitude of the challenges and to inform the design of targeted transformational and inclusive policies, while continuing to advocate for the dismantling of discriminatory laws, in particular those that restricted bodily autonomy, encouraged harmful practices and limited access to sexual and reproductive health and rights.

20. Joia Crear-Perry from the National Birth Equity Collaborative (United States) presented various dimensions of birth equity, noting its significance to intergenerational survival and development of people of African descent. She examined racism as a root cause of maternal morbidity and mortality and noted the impact of racism on reproductive health and young children's survival. Dr. Crear-Perry elaborated upon the importance of valuing human rights and development equally, in particular in the United States, to ensure that people of African descent were recognized as entitled to all human rights. She linked reproductive justice and birth equity to calls for reparations and accountability to repair the damage done in the past and continuing in the present. She emphasized the importance of adopting a reproductive justice framework, centring the expertise of people with lived experience and investing in racial justice as a matter of public health.

21. Sam Agbo, Senior Health Adviser in the Department for International Development of the United Kingdom of Great Britain and Northern Ireland, spoke on health and nutrition literacy and identified disparities in inputs, outputs and outcomes for children of African descent. He identified climate change, ecological degradation, conflict, political instability, pervasive inequalities and predatory commercial practices as threats to the health and well-being of children of African descent. Those threats were often exacerbated by a triple burden of non-communicable diseases, undernourishment and obesity, and communicable diseases. Dr. Agbo also noted a lack of political will to address fundamental human rights as set out in the Convention on the Rights of the Child. He called for increased efforts and sustained advocacy.

22. Robert T. Carter, professor of psychology and education at Columbia University and author of *Confronting Racism: Integrating Mental Health Research into Legal Strategies and Reforms* and *Measuring the Effects of Racism: Guidelines for the Assessment and Treatment of Race-Based Traumatic Stress Injury*, focused his presentation on race-based traumatic stress injury, which is used to strengthen legal actions involving acts of racial discrimination. He noted that victims of racism found little recognition in non-discrimination and anti-racism laws, policies and existing remedies. In addition, existing mental health assessments and diagnostic categories failed to include race-based incidents as sources of emotional and psychological harm. However, acts of racism were external assaults that could functionally impair (i.e. cause injury). Race-based traumatic stress injury occurred with a racial encounter that caused emotional pain, was outside a person's control, was unexpected and when coping efforts failed. Race-based traumatic stress injury also allowed understanding of race-based experiences as stress and as trauma, which was necessary to allow law and policy to reflect the realities of racial injuries that people experienced. Well-established legal processes based on injury and redress (including tort law) were currently underutilized.

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<sup>9</sup> See the report of the Working Group on COVID-19, systemic racism and global protests (A/HRC/45/44).

23. During the discussion, Dr. Crear-Perry remarked that the expertise on addressing racism lay with the people affected by it and remarked on visible racial disparities in leadership roles that could perpetuate systemic racism. She noted the role of Governments and United Nations bodies in corporate accountability. The Chief of the Gender and Human Rights Branch of UNFPA emphasized the importance of dialogue to push those issues further and to explore win-win situations. Dr. Carter noted that it was necessary for organizations and institutions to develop policies specific to race, instead of generic anti-discrimination policies. Justin Hansford, a member of the Permanent Forum of People of African Descent, referred to community and collective efforts.

24. Introducing the second panel, on the theme “The imperative of multiple literacies for children of African descent to survive and thrive”, the Chair of the Working Group stated that the panel was intended to interrogate the reality of education as an enabling right for children of African descent. The Vice-Chair of the Working Group chaired the panel and delivered a presentation based on the Working Group’s recognition of education as an instrument of systemic discrimination and a potential vehicle for change that required frequent re-examination and recalibration. She elaborated upon the importance of language, multilingualism and literacy for children of African descent, emphasizing the need for multiple literacies.

25. Cream Wright, Head of Redi4Change, United States, provided a global overview of the situation of people of African descent, including the colonial experience and enslavement, which had an impact in the present-day lives of people of African descent. He spoke about migration, from the Windrush generation to the more recent migration from sub-Saharan Africa to Europe. He noted that, while emphasis was placed on native languages, borrowed language could offer greater advantages, and children in Africa routinely navigated multiple languages. In Africa, there was an effort to put more emphasis on functional literacy. He added that people of African descent needed to be more critical and selective about the knowledge they acquired from other cultures, using such knowledge to improve home-grown knowledge and the local culture. That was a new approach that established that children and people of African descent were co-inheritors of global knowledge.

26. Danielle Isler, a doctoral student from Switzerland, provided an account of how students of African descent in the diaspora were exposed to racial stereotypes, racial discrimination and racism throughout their education. The lack of representation of people of African descent in books and the lack of material on enslavement and colonialism and the history of Africa before enslavement and colonialism were pervasive. Being categorized as “other” was a defining experience for children of African descent growing up in Switzerland. She said that access to multiple literacies and greater access to people of African descent, and their contributions, was important for the identity, self-image and self-esteem of children of African descent.

27. Charo Mina Rojas, National Coordinator of Advocacy and Outreach for the Black Communities’ Process and member of the Afro-Colombian Solidarity Network, gave a presentation entitled “The right to Afrocentric education in Colombia to survive and thrive”. Ms. Rojas noted the distinction between surviving and thriving. In Colombia, State schools lacked various resources, affecting the quality of teachers, curricula, pedagogy and methodology, as well as overall education policy. That created a serious challenge for a cultural and ethnically diverse country. Children of African descent also faced structural racism and violence in Colombia. Among other things, the State should acknowledge its responsibility to Afro-Colombians, develop meaningful campaigns addressing racism towards people of African descent in Colombia, and create consciousness about and commitment to equity practices. She called for the State to demonstrate genuine political will to make existing ethno-education laws, programmes and policies effective and to ensure that scholarly texts and materials represented and valued the cultural, social and historical context of children of African descent in Colombia.

28. During the discussions, panellists discussed the importance of incorporating indigenous and traditional knowledge. Gay MacDougall, a member of the Committee on the Elimination of Racial Discrimination, highlighting article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, focused on formal and informal education as a means of broadly inculcating anti-racism. Civil society representatives spoke

about funding disparities in schools, recommended the development of measures on combating racism against children, noted the prevalence of outdated curricula and called for a post-colonial syllabus that was regularly reviewed and updated. Mr. Wright noted the importance of teaching children how to learn at the earliest stages of education.

29. The third panel, on the theme “Existential threats to the Black family: racialized interpretations of the best interests of the child”, was chaired by Ms. Day. The Chair of the Working Group stated that the theme was inspired by the experiences that people of African descent had shared with the Working Group over a number of years. Ms. Day analysed how international instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Durban Declaration and Programme of Action, offered clear guidance with respect to the racial discrimination faced by children of African descent. She explained that the Working Group had become involved in a notable case in the Netherlands, through direct negotiations and the submission of an amicus filing to the court, involving refugee children from Uganda being involuntarily removed from their parents in the Netherlands on the basis of allegations of past corporal punishment. No supervised or unsupervised visits by the parents with their children, sibling visits or clear reunification efforts had been made in four years. She also discussed a case in which six children, removed from their birth families following allegations of child neglect, had died in a well-known murder-suicide by their adoptive parents in the United States. She noted that the United States remained the only country that had not ratified the Convention on the Rights of the Child.

30. Dorothy E. Roberts, author of *Torn Apart: How the Child Welfare System Destroys Black Families – and How Abolition Can Build a Safer World* and Professor of Law and Sociology at the University of Pennsylvania, discussed how the United States family policing system stigmatized and controlled Black families, abusing its authority to leverage accusations and investigations in the name of protecting children, noting that even the term “child welfare” masked the system’s function to police families of African descent, and the harm it inflicted on Black children and family caregivers, often at the expense of its stated goals of permanency, safety and strengthened families. She highlighted the global relevance of the historical context, noting that foundational ideologies of anti-Black racism, white supremacy and devalued Black family bonds had structured legal and social systems around the world. Violent supervision of Black families was traceable to the legal authority that enslavers had had over enslaved families, including absolute control over the relationships that parents had with their children and the forcible separation of enslaved families that routinely took place on auction blocks when enslavers found it economically expedient to sell or purchase enslaved persons, often separating family members.

31. In the United States, the current foster care population and its dramatically increased government funding, was fuelled by systematic, involuntary removals of Black children. Black and indigenous children were significantly more likely to experience investigations, foster care and involuntary removal. Identifying children as “at risk” for abuse or neglect gave a licence for intrusion into every aspect of family life, far beyond the authority that police had in criminal investigations. Ms. Roberts noted that the policing of Black families reflected a global pattern in how States identified who was an appropriate target of scrutiny, investigation and violation of children’s human rights. However, despite human rights commitments and compelling evidence of racial targeting and harms caused by family-policing systems, states remained reluctant to confront oppression against Black children and their families, perpetuating human rights violations that hurt instead of protected children.

32. Stephen Dradenya, a former fellow of the OHCHR Fellowship programme for people of African descent and a human rights activist from the Netherlands, discussed the case involving the separation of seven children from their parents in the country. Mr. Dradenya noted how policies and programmes that failed to include people of African descent in their design or implementation effectively portrayed them as inferior and irresponsible. He recommended implementing ongoing awareness-raising programmes about the childcare system and differing norms, including around discipline and parenting, for asylum-seekers, refugee families and migrants.

33. Salome Mbugua, Chief Executive Officer of AkiDwA, a non-governmental organization focused on migrant women in Ireland, noted that people of African descent had



been in Ireland since the 1700s. Thousands of children of African descent born in Ireland between 1950 and 1970, had grown up in notorious “mother-and-baby homes”, with their parentage erased. Those children, now adults, were still searching for their families. Ms. Mbugua also cited high rates of children of African migrant parents taken into State care, often from single-parent families lacking in community support, access to counsel and information on the law, the rights of parents and the operation of the legal system. Some encountered challenges in accessing visits to their children who had been taken into care. She called for a culturally sensitive approach to varied parenting styles and noted the lack of culturally competent professionals and service providers, saying that those who made life-altering decisions on behalf of children often reflected their own bias and ethnocentrism in their decision-making. She noted that the power dynamics of the courts and caseworkers could further prevent migrant parents from exercising their rights.

34. During the discussion, Ms. MacDougall referred to removals and the forced assimilation of indigenous children, noting numerous cases handled by the Committee on the Elimination of Racial Discrimination. Civil society representatives recounted personal accounts of their encounters with the family-policing system, the lasting trauma for children and parents and the intractability and opacity of the decision-making therein. In addition, research showed that racial discrimination in policing and family regulation in the United States were interlinked. Ms. Roberts emphasized the importance of dismantling the family-policing system, as an existing racially discriminatory structure that systematically failed to effectively support children, families and communities, in particular children of African descent and indigenous peoples who navigated long-term legacies of trauma and human rights abuses at the hands of that system. It was recommended that the United Nations should undertake greater advocacy on family policing and that the Working Group should address the family-regulation system in a follow-up country visit to the United States.

35. The fourth panel, on the theme “Administration of Justice and children of African descent”, was chaired by Ms. Day. In her introductory remarks, the Chair of the Working Group noted that the global call for decriminalization was among the best of the best interests of children of African descent, including as a means of decriminalization of racial identity. The Working Group called for a moment of silence to recognize the second anniversary of the murder of George Floyd and to consider how “protection”, “liberty” and “security” were often invoked to endanger rather than protect people of African descent. Ms. Day discussed how negative racial stereotypes of criminality, culpability and dangerousness had been proved to influence decision-making in relation to children and youth of African descent, including by legal system personnel, such as police officers, prosecutors, lawyers and judges.<sup>10</sup> Globally, children of African descent continued to routinely experience that stereotyping. In 2021, the Working Group had focused on the case of Brian K., in Switzerland, as a particularly relevant example. Numerous examples from the United States also illustrated the concern, including those of Emmett Till (a 14-year-old falsely accused of flirting with a white woman, tortured and killed in Mississippi in 1955), Trayvon Martin (a 17-year-old shot and killed in 2012 while walking home, by a vigilante who had decided he looked suspicious), and Tamir Rice (a 12-year-old boy killed by police in 2014 while playing with a toy gun in a public park). Ms. Day recognized the courage of Darnella Frazier who, aged 17, had video recorded the murder of Mr. Floyd and triggered a global movement for racial justice.

36. Kris Henning, Director of the Juvenile Justice Clinic at Georgetown University Law Center and author of *The Rage of Innocence: How America Criminalizes Black Youth*, noted how profound racial disparities in the legal system deprived Black children of childhood. In the United States, the earliest appearance of police officers in schools was during racial integration, in 1939, perversely generating a higher child arrest rate, rather than greater security. Similarly, although few children were involved in violent crime, the “superpredator” myth popular in the 1990s had increased the targeting of Black children and neighbourhoods and led to the expansion of laws to remove children from juvenile courts and expose them to adult sentences. Although youth of all races exhibited impulsive behaviours (a predictable feature of adolescent development), Ms. Henning noted that disproportionate numbers of Black children were arrested and treated as adults. Police encounters, including regular stops

<sup>10</sup> See [A/74/274](#).

and neighbourhood surveillance, created devastating legal consequences and psychological trauma for adolescents of African descent. Trauma also occurred vicariously, as children witnessed the targeting of people of African descent. Redress required a radical reduction of law enforcement encounters, addressing racist bias in society and treating all children as children, with equal protection of their human rights.

37. Benyam Mezmur, a member of the Committee on the Rights of the Child, noted the systemic discrimination faced by children of African descent and stressed the importance of disaggregated data, as national averages often masked the challenges and realities specific to children of African descent. The Committee was deeply concerned about the human rights situation of children of African descent, in particular in the areas of health, education and juvenile justice. Child and maternal mortality rates remained high, in particular among rural and indigenous children and children of African descent. Significant racial disparities in meaningful access to education persisted. Lack of birth registration and underregistration, a significant concern for children of African descent globally, increased the risk of trafficking and criminal justice system involvement, limited access to social assistance and often prompted age-determination processes with disproportionately negative outcomes for people of African descent. Mr. Mezmur called for a systemic approach to the decriminalization of minor offences, the implementation of pre-arrest diversion programmes, the examination of the use of digital technology such as facial recognition and machine-learning technologies, and recognition that discriminatory application of the law, rather than the law itself, might drive systemic discrimination. In its general comment No. 24 (2019), the Committee on the Rights of the Child had recommended early intervention and child-friendly, interdisciplinary approaches. Mr. Mezmur noted that leaving no child behind required bringing the issues of children of African descent from the margins to the mainstream in education, health, social services and child justice, emphasizing that the Convention on the Rights of the Child required no less.

38. Alexandra Montgomery, Programme Director at Amnesty International Brazil, discussed the impact of excessive, arbitrary, disproportionate and unlawful use of force on children of African descent by law enforcement officers in Brazil, noting the role of poverty, lack of access to education and health, incarceration, violence and structural racism in politics. She discussed recent incidents of State-involved violence in Black communities and reported crossfire in neighbourhoods involving helicopter gunships, noting that most victims were young Black men. In addition, extrajudicial killings of children by police, brutality, home invasions, sexual exploitation and the suspension of essential services were committed with impunity and systematically covered up. She noted that justice and reparations, as well as independent mechanisms for investigation, monitoring and accountability, could break the cycle of impunity.

39. Robin Walker Sterling of Northwestern University, United States, noted the social and historical underpinnings linking Black children to criminality. Although the nineteenth-century juvenile justice system recognized that children should be treated differently from adults, that rehabilitative ideal had been reserved for white children. Black children had been seen as exempt from possibility of redemption and had been treated more harshly, in the adult criminal legal system. In the late twentieth century, false beliefs about the threat of Black youth were perpetuated by the media and Black youth were overrepresented as violent offenders. The “superpredator” myth, explicitly racialized, fuelled legislation facilitating the transfer of youth to adult courts. She noted that justice should be the same for all children, but that children of African descent were twice as likely to be arrested although they were not committing crimes at a higher rate. She called for the abolition of transfer laws, the decriminalization of misdemeanours such as shoplifting and revised narratives and media representation of Black children as offenders, which continued to shape perceptions of dangerousness.

40. Verene Shepherd, Chair of the Committee on the Elimination of Racial Discrimination, discussed administrative injustices in the policing of children of African descent’s natural hairstyles by schools and public agencies. She noted that penalizing cultural choices to wear natural hairstyles constituted racial discrimination, contravened article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination and reinforced the othering of Black children, another way that Black identity was policed.

Advocates for cultural rights and children should incorporate respect for those rights into their work, as well as promoting curricula that centred dignity for children of African descent. She noted that, without true decolonization in former colonial and current colonial societies, the administrators of justice and the custodians of children of African descent, including schools, would perpetuate unfair practices denying fundamental rights to children of African descent.

41. During the discussion, Ms. Henning advocated making changes in policing, recognizing that police were called to intervene in areas (e.g. mental health) not relevant to their training, equipment or mandate. She referenced research that the presence of police security teams in schools undermined a healthy educational environment, increased trauma and facilitated the transfer of children of African descent to the criminal justice system, but did not prevent mass shootings. Mr. Mezmur emphasized the importance of accountability and redress and noted that race, gender, age and class remained key indicators for children killed in poor neighbourhoods. Ms. Shepherd stated that history education must address the roots of white supremacy. She noted that education could reduce the impact of racial profiling<sup>11</sup> on young Black boys, hair discrimination and other ongoing oppressions. Civil society representatives from Panama amplified the concerns raised about the right to cultural identity, including hair discrimination and the use of negative photographs and images of Africans and Africa.

42. The fifth panel, on the theme “‘We are the change we seek!’ child and youth of African Descent agency and activism”, was chaired by Ms. Ekiudoko, who referred to the celebration of Africa Day and recognized the indispensable role of agency and activism in their diverse forms in the lives of children and youth of African descent. Ms. Namakula emphasized the significance of Africa as the ideological home of the work of the Working Group.

43. Joanne N. Smith, founder of Girls for Gender Equity, United States, discussed agency and activism as a catalyst, using a Black feminist lens. She noted the importance of building the political power of young people and meeting them where they were in youth development. Centring the needs of Black girls and gender-expansive youth in policymaking was necessary for a racially equitable future. Compared with their white peers, schools disciplined Black girls 10 times more, suspended Black girls 6 times more and arrested Black girls 4 times more. However, every successful movement in history had relied upon youth. Young Black women had been central to the creation and sustainability of the twentieth-century civil rights movement in the United States. She noted that the term “incorrigibility”, a basis for juvenile detention, was a catch-all describing the ways that young people resisted race and gender “norms” and advocated for themselves and their own survival. She cited the case of an adolescent incarcerated at the start of the coronavirus disease (COVID-19) pandemic for “incorrigibility” in failing to keep up with online lessons.<sup>12</sup> Girls for Gender Equity was championing legislation to end the labelling of young people as “incorrigible” in family courts.

44. Ramatu Bangura, Executive Director of the Children’s Rights Innovation Fund, United States, focused on the multiple and layered manifestations of structural oppression, such as colonialism, sexism and violence, as root causes of violations of children’s rights. She noted the importance of directly funding projects led, designed and funded in ways that were youth led. Dismantling systemic racism required intentionally disrupting single-issue funding siloes to maximize grantee flexibility and advance intersectional solutions to seemingly intractable problems.

45. Aisha Yusuf, a 14-year-old New York City Junior Ambassador, offered an intersectional analysis, noting that Black women and girls received assistance later than other victims of trafficking and were often further victimized by maltreatment within the justice system. The inequities in the justice system were gendered and racialized. She challenged the world to truly listen to children of African descent, taking action to protect their best interests.

46. Sorel Baines, a 17-year-old from Panama, discussed racial discrimination in school, including bullying and discrimination because of her natural hairstyle. She spoke as part of

<sup>11</sup> See Committee on the Elimination of Racial Discrimination, general recommendation No. 36 (2020).

<sup>12</sup> [A/HRC/45/44](#), para. 23.

the youth movement *Los Imparables*, which was focused on sport, psychological, educational and cultural rights and prevention of violence in Colón, Panama. She called for increased opportunities for children and youth of African descent.

47. Akeyo Elsa Williams, of the Young Gifted Black initiative in Germany, discussed the nationwide annual meeting of the Initiative of Black People in Germany, which had been held annually for almost 40 years and was the largest event of the Black community in Germany. Regular youth gatherings in Germany since 2017 highlighted how Black and African people, and people of the African diaspora faced similar forms of racism, rooted in the same colonial and racist legacies, ideas and systems. She noted that addressing those collective experiences could empower and unite young Black voices in Europe.

48. The sixth thematic panel, on the theme “Intergenerational deprivation and anti-Black racism: asset-building for economic and financial freedom of children of African descent”, was chaired by Mr. Raj, who noted the relevance of a racialized analysis to meaningfully achieve the Sustainable Development Goals. The historical underpinnings of economic deprivation included loss of present-day value of assets due to the trade and trafficking in enslaved Africans, intergenerational loss of opportunity and the inability to self-emancipate due to structures and systems, with deleterious effects on health, education, development and opportunity.

49. Tanzila Qambrani Habiba, a Member of the Provincial Assembly of Sindh, Pakistan, explained that the question of identity was important for understanding how racism and discrimination against people of African descent operated, as well as the strategies adopted by individuals and collectives from those communities. Even where race was not codified in law, racialized categories constructed social hierarchies and perpetuated social discrimination. The recognition of racism faced by people of African descent and open conversations about it could be an important turning point with respect to the life opportunities of children of African descent in Pakistan.

50. Phillip Binondo, an educator and human rights advocate from the Philippines, noted the systematic “othering” of children of African descent in Asia. They continued to face deprivation, socioeconomic disadvantage and marginalization due to stigma, bias and prejudice. African Amerasian children had been deprived of opportunities to develop skills, self-worth and agency. Name-calling, harassment and hate-mongering drove school dropout, unemployment and homelessness, leading to intergenerational deprivations of opportunity and rights. He emphasized the necessity to incorporate race and identity into educational curricula and widen discussions on racism and racialized hegemonic consciousness.

51. Omar Freilla of Collective Diaspora, United States, discussed how Black communities around the world consistently experienced some of the lowest levels of economic, social and health indicators, from high rates of poverty, incarceration and mortality to being at greater risk from pollution and climate disasters. Those disparities existed both within and between nations and had grown from the centuries-old trade of enslaved Africans and the subsequent colonization efforts that built the wealth of Europe and its white settler colonies throughout the Americas. A regenerative economy grounded in racial and gender equity might be accessible through the development and growth of Black cooperatives across the African diaspora. A growing Black cooperative support ecosystem sought to challenge the economic isolation faced by Black communities and the extraction of Black wealth that had been taking place in different forms since the transatlantic trade in enslaved Africans. The cooperative traditions of collective ownership and collective uplift had survived in Black communities throughout the African diaspora, even amidst the dominant economic model of extraction and exploitation.

52. During the discussion, civil society representatives noted the centrality of land to conversations about economic freedom, reparations, justice and liberation globally, stating that the southern United States had been characterized by intergenerational dispossession of land despite guarantees of “40 acres and a mule” after emancipation. Others noted that environmental justice dramatically affected economic opportunity and freedoms. Ms. Shepherd recalled the programme of activities of the International Decade for People of African Descent, citing the importance of compulsory history education about the numerous

massacres of people of African descent, including in Tulsa, Oklahoma, United States, and reparations.

53. The seventh panel, on the theme “Repairing the world for the future of children of African descent”, was chaired by the Vice-Chair of the Working Group. In her introduction, the Chair of the Working Group stressed that children of African of descent were the opportunity for humanity to make amends. The Vice-Chair said that a duty of care to future generations existed to disrupt the systems and structures that perpetuated racial discrimination and maintained the status quo ante. Historical and contemporary wrongs – enslavement, colonization, segregation, discrimination resulting in dehumanization, degradation and disadvantage – were repeatedly meted out on Africans and people of African descent with severe cumulative effect. Reparatory justice was a moral imperative that had civil, political, economic, social and cultural ramifications.

54. Shirley Weber, California Secretary of State, United States, had led the passage of a reparations bill in California, United States, in 2020. The bill had established a task force to study reparations, educate the public and develop proposals. She referred to the racist attack in Buffalo in the State of New York, United States, as a reminder that, despite arriving in the United States over 400 years ago, people of African descent were still seen as intruders trying to displace others, as if they had no independent place in America. She noted that it would take a lot to repair the damage and work to bring them to their rightful position of parity with those with privileged European heritage who had benefited from the current system.

55. Breanna Moore, of the National Coalition of Blacks for Reparations in America and a doctoral student at the University of Pennsylvania, United States, discussed reparations through the trajectories of the white and Black descendants of people who had lived historically on the same plantation in the southern United States. She presented original archival and oral history research into her family over five generations, from enslavement to the present. She set that history in contrast to the fortune and wealth-building of her family’s enslavers, which had included two men who received medical degrees from the University of Pennsylvania in the nineteenth century.

56. Olufemi O. Taiwo, Assistant Professor of Philosophy at Georgetown University, United States, and author of *Reconsidering Reparations*, argued for a constructive view of reparations, linking reparations to climate justice and the dismantling of the extractivist and exploitative legacies of colonialism and the triangular trade. He referenced the claims, in his recent book, that reparations should be viewed as a world-making project focused on reconstructing the economic and political system to arrive at a more just society, including through the redistribution of wealth and power.

57. During the discussion, Ms. Day confirmed that the Working Group had endorsed the CARICOM 10-point plan for reparatory justice, a comprehensive approach to the financial, development and psychological harms relating to colonialism, the trade and trafficking in enslaved Africans, and ongoing systemic racism. Ms. Shepherd called for the implementation of the programme of activities of the International Decade for People of African Descent. Other speakers referenced the need for reparations to allow children to dream and repair the psychosocial impact to the spirit and mindset of people of African descent.

## V. Conclusions and recommendations

58. The thirtieth session of the Working Group was its first public session held outside of Geneva, and its first in-person session since the start of the COVID-19 pandemic. It thanks Member States, representatives of international organizations and civil society for their active participation.

### A. Conclusions

59. **The Working Group remains outraged at continued incidents of racially motivated violence against people of African descent. It demands accountability and**

justice. The Working Group's conversation on the protection of children of African descent occurred in the shadow of several shocking racist and violent acts, including:

(a) On 14 May 2022 in Buffalo, New York, United States, an avowed white supremacist shot 13 people in a shop, killing 10 people of African descent and injuring 3 others;

(b) On 24 May 2022, at least 26 people were killed in a police raid in Rio de Janeiro, Brazil. Most of the identified victims were young people of African descent;

(c) On 24 May 2022, an 18-year-old armed with a semi-automatic weapon at Robb Elementary School in Uvalde, Texas, United States, killed 19 children and two adults;

(d) On 24 May 2022 in Sergipe, Brazil, a Brazilian man of African descent was tortured and killed by police, who forcibly detained him inside a police vehicle containing a live gas grenade until he died.

60. During the session, the Working Group acknowledged the second anniversary of the murder of George Floyd by police in the United States, which had been courageously filmed by Ms. Frazier, a 17-year-old woman of African descent and which sparked global anti-racism protests.

61. The Working Group concludes that racial discrimination, from the unresolved legacies of trade and trafficking of enslaved Africans and colonialism, post-colonial apartheid and segregation, continues to harm children of African descent. Foundational ideologies of racism towards people of African descent, white supremacy and devalued family bonds have structured legal and social systems around the world. In this regard, a critical aspect of the experience of people of African descent in the global diaspora is supervision and the disruption of family relationships by the white political elite. Families of African descent have been torn apart by legalized separation ever since the global trade in enslaved people and the international agreement that people of African descent, including children, were legally property to be trafficked and sold. This historical dehumanization of people of African descent included sale at auction blocks, systematic rape, forced breeding, inhumane work expectations during and after pregnancy, and criminalization of pregnancy and childbearing. Those inhumane practices have been upheld by racist images and narratives that hypersexualize women of African descent, label them immoral and delegitimize their authority and investments in their own children and families.

62. As the Working Group has observed in multiple States, persistent racial disparities in family interventions, including removal of children and termination of parental rights, often involve racialized decision-making and outcomes. Consistencies and similarities in the targeted regulation of families of African descent across the diaspora spring from a common historical root in the trade and trafficking in enslaved Africans, colonialism and the social construct of race that normalizes ongoing racial atrocities.

63. The common historical roots of the racialized use of discretion in the criminal legal system underlies the systemic racism found in different countries. Historically, the trade and trafficking in enslaved Africans and colonialism exported racial hierarchy and legalized violations of human rights for people of African descent globally. Today, global powers export tactics, laws and machinery of criminal justice that grew from this history as technical assistance to the Global South, yet disregard or deny the systemic racism and entrenched racial disparities in their own legal systems.

64. Throughout the diaspora, children of African descent face heavier policing, including more arrests, police surveillance, racial profiling, strip searches and excessive use of force. They are disproportionately represented in the criminal justice system. False, racial stereotypes of criminality, culpability and dangerousness influence decision-making by legal system personnel, including the particularly harmful myth of "superpredator". Systemic racism is often evident in the contrast between punitive responses experienced by children of African descent and the child-centred responses to the delinquency of white children.

65. Across the diaspora, training and policy reform in family regulation and juvenile justice systems have failed to disrupt proven, systematic abuses and violations of the rights of children of African descent, instead escalating harms and risk. Training programmes are presumptively inadequate if they merely raise awareness rather than require confrontation and a measurable reduction of individual bias.
66. Juvenile legal systems incarcerate children of African descent disproportionately, ignoring evidence that adolescent misconduct is a predictable feature of childhood that should be navigated rather than punished. Research into neuroscience, adolescent behaviour and psychology shows that normal human development involves staggered and asymmetrical physical and emotional maturity in adolescents.
67. Recalling its discussions at its twenty-fourth session and its report on data for racial justice,<sup>13</sup> the Working Group notes that the limitations, biases and discriminations of artificial intelligence technology, including facial recognition technology for law enforcement, have a negative impact on children of African descent, in violation of their rights under the Convention on the Rights of the Child.
68. Important links exist between birth registrations, administration of justice and children of African descent. Age-determination processes that are non-conclusive and predictions on the basis of physical appearance lead to disproportionately arbitrary outcomes for children of African descent.
69. Although multiple literacies are a key factor in the successful development of children, children of African descent are too often socialized to acquire primarily literacies targeted to the status quo, a culture of dependency and lesser status in a racialized hierarchy. Education is one of the instruments of systemic racial discrimination that must be reimagined if systemic racism, prejudice and discrimination are to be dismantled.
70. Children of African descent are confronted with racialized barriers to their best interests, which constrain them from realizing their full potential. These barriers create, inter alia, intergenerational transmission of poverty and race-based traumatic stress, lack of access to the highest attainable standard of physical and mental health, and criminalization of identity. For children of African descent, negative racial stereotypes often prevail over age, denying them systemic protections accorded to children.
71. The COVID-19 pandemic has reversed gains made in children's health, education and economic transformation, with a disproportionate impact on the rights and best interests of children of African descent.
72. Children of African descent face censorship of hairstyles, speech and accent, language, appearance and hobbies in spaces that are intended to foster and support their development, damaging their self-esteem and burdening their rights. Penalizing the distinct appearance, cultural mores and way of life of children of African descent constitutes racial discrimination.
73. Children of African descent are not monochromatic nor monolithic. In their diversity, they face discrimination on the basis of their multiple identities, including race, ethnicity, gender, sexual orientation, disability, class, caste, religion and other factors. For example, LGBTQI+ children and youth of African descent face multiple forms of discrimination in mainstream society and their immediate communities.
74. The distinct challenges of children of African descent are rendered invisible in States lacking racially disaggregated data.
75. The Working Group recognizes the indispensable role of agency and activism in their diverse forms in children of African descent. Children of African descent understand their own best interests. Through art, music, literature and leadership, children of African descent are rewriting the agenda for change.

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<sup>13</sup> A/HRC/42/59.

76. Reparatory justice is both a means and an end for the survival, development, protection and participation of children of African descent. Advocacy, education and information collection and dissemination on reparations are at the core of the mandate of the Working Group, which continues to focus and refocus attention on reparations. As part of its advocacy and implementation of its own mandate, at its eighteenth session, held in Geneva from 11 to 15 April 2016, the Working Group endorsed the CARICOM 10-point plan for reparatory justice. Reparations are necessary due to centuries of policies and practices detrimental to people of African descent. They can take different shapes and forms depending on the context of the country and situation, but should always be grounded in community views, design, consultation and participation.

## **B. Recommendations**

77. Anti-racism movements and initiatives led by young people of African descent should be encouraged, supported and protected.

78. Policies affecting children and youth of African descent should be developed with their participation and inclusion.

79. States should reduce the footprint of police in the lives of children of African descent as much as possible, including by adopting a public health approach to public safety that, inter alia, safeguards against discrimination by the criminal justice system, using existing racial disparities as a guide for action, rigorously protects unbiased investigations, respects the presumption of innocence and the presumption of authenticity of birth or age-registration documents and employs restorative justice frameworks prioritizing healing, understanding and equity.

80. States must avoid punishing adolescence in the guise of punishing criminality or misconduct. Under the Convention on the Rights of the Child, child development should be supported and clear research on the impulsivity, failure to appreciate long-term consequences and risk-tolerant behaviour of adolescents must inform decision-making by police, prosecutors and judges. State intervention, if any, must be child-friendly, supported within families and communities, trauma-informed and multidisciplinary.

81. The Working Group recalls its previous recommendations to Member States and encourages them to invest in collecting and reporting racially disaggregated data to allow for a better understanding of the complexity and magnitude of the challenges faced by children of African descent and to inform the design of transformative and inclusive policies.

82. States should ensure that children of African descent are protected from direct or indirect racial discrimination, stigmatization, psychological and physical violence, and bullying. States must ensure that students learn in environments free from racist or hostile attitudes of teachers and peers. Negative racial stereotypes and imagery in teaching materials are a concrete example of systemic racism. Equal access to quality education at all levels, respect for learning differences and equal achievement outcomes are required.

83. States should revise and develop specific curricula and teaching materials that respect and recognize history, including enslavement, the trade in enslaved Africans, and the contributions of people of African descent. Such curricula should be incorporated into formal and informal education at the early childhood, primary, secondary, post-secondary and adult education levels. People of African descent should have the opportunity to contribute to the development of such curricula. Educators, policymakers, development partners and private providers of education should reimagine and revise curricula, materials and teacher support to reflect the contribution of people of African descent and to ensure that the learning environment is inclusive and affirming. States are strongly urged to provide Internet connectivity and access to computers and related devices in schools and institutions of learning where these are lacking.



84. States should recognize and promote the distinctiveness of children of African descent, including their hair and other expressions of their racial and cultural identity such as dress code, language and music. Inclusive policies and practices may be enhanced by the effective participation of people of African descent.

85. Family policing should be replaced by care and strength-based interventions that support parents, kinship resources and communities and recognize States' obligation to support the reunification of families.

86. States should recognize their obligation to support children's right to family life with their parents under the Convention on the Rights of the Child, including by preserving the family structure or making sincere efforts to reunify families separated through legal action or in the name of child protection, in particular where cultural or educational differences are involved. Parents facing investigations, child removals or termination of parental rights should have access to culturally competent, free counsel from the earliest contact with State personnel. Children of African descent should have access to culturally competent law guardians from their own culture as a matter of course in these cases. Policies for the immediate review of removal decisions, including hearings, must be public and available in all languages. Clear, articulated measures for the return of removed children must be available to families.

87. States should regularly collect and analyse data and conduct racial equity audits and impact assessments that publicly examine the use of discretion and the role of systemic racism in the routine operation of systems affecting children, including in the juvenile legal system and the family-regulation system.

88. States should close pathways into the juvenile justice system through the decriminalization of minor offences, including misdemeanours, as well as violations such as truancy, running away, incorrigibility, begging and trespassing, which result from poverty, homelessness, family violence and adolescence.

89. The availability of pre-arrest diversion and alternatives to incarceration should be scrutinized to ensure that the use of discretion does not facilitate racial disparities or discrimination. The outcome of diversion programmes should involve definite and final closure of the case as non-criminal dispositions.

90. Where it cannot credibly be established that children are above the minimum age of criminal liability, they are entitled to the benefit of the doubt and should be held not criminally responsible. Where official documentation (e.g. birth certificate) is absent, authorities should credit available documentation, such as notification of birth, extracts from birth registries, baptismal or equivalent documents and school reports. Documents should be considered genuine in the absence of proof to the contrary.

91. The use of zero-tolerance and "three strikes" approaches, mandatory sentences, trial in adult courts and other primarily punitive measures should be constantly reviewed for their licensing, or denial, of the use of discretion in racially biased ways.

92. States must carefully regulate the use of risk instruments, facial recognition, surveillance, and other artificial intelligence technology, or risk misclassification of people of African descent on the basis of their race. States should ensure that risk assessments do not include policing and justice system data from eras where racial bias was embedded into policies and practices.

93. In order to meaningfully achieve the Sustainable Development Goals, a racialized analysis must acknowledge the historical underpinnings of economic deprivation, loss of present-day value of assets due to enslavement, intergenerational loss of opportunity, present-day exploitation and the inability to self-emancipate due to structures and systems that create negative and deleterious effects on health, education, development and opportunity.

94. States should dismantle discriminatory laws that restrict the bodily autonomy of and limit access to sexual and reproductive health for adolescent girls of African descent, and acknowledge the racialized impact of such policies. Quality services, grounded in culturally appropriate models, should be standardized.

95. All strategies to “build back better” from the COVID-19 pandemic should specifically examine and address the status of children of African descent, who are often among the furthest left behind.

96. Reparations should be underscored by procedural guarantees, in particular the participation of people of African descent. Member States should consider the 10-point plan for reparatory justice adopted by CARICOM and, in particular, recognize and apologize for historical and contemporary wrongs against children and people of African descent, make material restitution, return assets and artifacts and reform laws, policies, programmes and procedures as a baseline for securing reparatory justice. Reparations should be designed in a manner determined by people of African descent.

97. States should prioritize comprehensive, integrated and holistic economic development initiatives that: (a) centre marginalized peoples in their leadership structure and project design; (b) invest in the development of cooperatives among communities of African descent; (c) facilitate information and resource exchanges that make cooperatives for people of African descent more resilient and better able to generate wealth for their members and communities; and (d) build solidarity between people of African descent and other minority communities. These efforts should also ensure corporate responsibility.

98. International organizations and States should establish initiatives, including scholarships and fellowship programmes, to build the capacity of children and youth of African descent that are supported through formal and informal channels. Special efforts should be made to ensure that such initiatives do not perpetuate systemic racism by failing to confront and mitigate the biases tolerated by their own organizational cultures.

99. States should recognize the importance and ensure the protection and promotion of the human rights of children of African descent, including in the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent.

## Annex

### List of participants at the thirtieth session

#### A. Members of the Working Group

Dominique Day, Miriam Ekiudoko, Catherine Namakula, Sushil Raj, Barbara Reynolds

#### B. Member States

Barbados, Guyana, Lesotho, Mauritania, Mexico, Morocco, Russian Federation, South Africa, Switzerland, United States of America

#### C. International and regional organizations

United Nations Population Fund; UNICEF, UN Women

#### D. Non-governmental organizations in consultative status with the Economic and Social Council

Human Rights Watch, Congressional Black Caucus Institute, Athletes United for Peace, International Association Against Torture, International Planned Parenthood Federation

#### E. Non-governmental organizations not in consultative status with the Economic and Social Council

Congressional Black Caucus Institute, NGO Athletes United for Peace, Southern Poverty Law Center, National Birth Equity Collaborative, International Association Against Torture, ECLA-ADLA/African Descent Lutheran Association, Spain/Panama Afro Diccionario, Hijas de Alkebulan, Comité Anti racista de los Movimientos Sociales Afropanamenos, La Colmena NYC, Uganda Diaspora Europe, The Daniel Initiative, IPPF/International Planned Parenthood Federation; Programs for AfroResistance in NY, Parents Supporting Parents NY, NYS Indigent Legal Service, JMacForFamilies, AJESH Cameroon, College of Staten Island.

#### F. Others

New York City Mayor's Office of International Affairs

#### G. Panellists and presenters

H.E. Mia Mottley, Prime Minister of Barbados; Mr. Craig Mokhiber, Director OHCHR-NY; Nafissatou Diop, Chief, Gender and Human Rights Branch, UNFPA; Dr. Joia Crear-Perry, National Birth Equity Collaborative (USA); Sam Agbo, Senior Health Advisor DfID; Dr. Robert Carter, USA; Dr. Cream Wright, Managing Director Redi4Change; Danielle Audrey Isler, Maison des Savoirs Noirs; Charo Mina Rojas, Colombia; Ms. Dorothy Roberts, USA; Stephen Dradenya, the Netherlands; Salome Mbugua, Akina Dada Wa Africa; Prof. Verene Shepherd, Chairperson, Committee on the Elimination of Racial Discrimination; Benyam Mezmur, Member of Committee on the Rights of the Child; Alexandra Montgomery, Director of Programmes Amnesty International, Brazil; Prof. Robin Walker Sterling, Professor, North Western University; Joanne N. Smith, President and CEO, Girls for Gender Equality; Dr. Ramatu Bangura, Director, Children's Rights Innovation fund; Aisha Yusuf, NYC Junior Ambassador alumna, Liberty Avenue Middle School; Youssouf Simba Diakite, Co-founder, co-chair African Diaspora Youth Forum in Europe ADYFE; Sorel Baines

(Panama), Colon, Panama; Akeyo Elsa Williams, “Young Gifted Black”, ISD; Tanzila Qambrani Habiba, PPP MPA Sindh; Phillip Binondo, Educator & Human Rights Activist, De La Salle University Philippines; Omar Freilla, Echoing Green; Shirley Weber, California Secretary of State; Breanna Moore, N’COBRA; Dr. Olufemi O. Taiwo, USA; Amock Alikuleti, Senior Fellow of the OHCHR Fellowship Programme for People of African Descent.

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