

## **30<sup>th</sup> Session of the Working Group of Experts on People of African Descent**

### **Children of African descent**

**New York**  
23 – 27 May 2022

#### **Concept Note**

##### **Introduction**

The Working Group of Experts on People of African Descent is pleased to announce its upcoming public session on '*Children of African descent*', which will be held at CR-4, UNHQ, New York from 23 – 27 May 2022. This thematic session will discuss the human rights situation of children of African descent globally. The session will involve extensive discussions on racial discrimination and inequality faced by children of African descent in all areas of life including administration of justice, law enforcement, education, health, family life, development, as well as redress for legacies of enslavement, colonialism, and racial segregation. All interested Member States and stakeholders are warmly invited to participate in the session.

##### **Background**

Throughout its work globally, the Working Group of Experts on People of African Descent has been concerned about the specific situation of children of African descent. Children's rights and interests are intended to be protected by a network (or village) of adults, including their parents or guardians. Yet, children are particularly vulnerable to systemic racism. Thus, the protection and promotion of the rights of children of African descent is necessarily limited by the capacity of those in power to confront their own biases, the power of structural racism, existing culture(s) of denial, and the racialised impact of seemingly neutral decisions.

Existing qualitative and quantitative research show the powerful impact of racial discrimination on access to human rights. Research confirms that children, who may lack the knowledge, agency, or understanding to confront persistent racial biases applied against them, nevertheless are forced to navigate persistent interpretations of their conduct as criminal, sexual, psychiatrically-impaired, and culpable, rather than childlike and/or innocent. This impacts children across all areas, from development to education to health to the administration of justice. In its country visits and other work pursuant to the mandate, the Working Group has observed this first-hand. Focus on the intersection between race and childhood is paramount to ensuring that actions taken nominally in children's best interests actually result in decisions in the best interests of children of African descent. This session will allow for a deep analysis of the various manifestations of racial discrimination against children of African descent and also form recommendations to address the situation.

##### **Legal and Policy Context**

Despite significant strides in human capacity development globally and near universal ratification of the Convention on the Right of the Child, the rights of millions of children of African descent continue to be violated and they remain at risk of not realising their potential. Inadequate living conditions resulting from poverty, deprivation of opportunity and racial discrimination greatly impact children of African descent globally, including in wealthy developed countries. The integrity of parenting by people of African descent is often compromised by inappropriate interventions that have led to the unwarranted separation of

children from their families. The administration of justice, including the institutionalisation of children, is not insulated from the systemic racism that is measurable throughout society.

Although this issue has been well articulated in international instruments, inequity and inequality persist for children of African descent. In relation to racial discrimination against children of African descent, the Committee on the elimination of all forms of racial discrimination recommends that States “adopt special measures to ensure equality in the exercise of their rights, in particular corresponding to the areas that most affect the lives of children” and “[u]ndertake initiatives specifically aimed at protecting the special rights of the girl child and the rights of boys in vulnerable situations.<sup>1</sup> Given “the particular vulnerability of children of African descent, which may lead to the transmission of poverty from generation to generation, and the inequality affecting people of African descent”<sup>2</sup>, it appears clearer and clearer that only a racialised analysis may amplify the drivers of persistent inequality.

Similarly, in most jurisdictions, in actions concerning children, the best interests of the child shall be of primary consideration.<sup>3</sup> Yet, the persistence of structural racism and measurable racial disparity, including in matters relating to children, highlights the distance between a stated commitment to the ‘best interests of the child’ standard and the ability of decision-makers in key institutions to confront their own biases and racialized decision-making. This poses the question as to whether the best interests of children of African descent are, in fact, the primary consideration given a pervasive culture of denial. The situation of children of African descent is impacted by the systemic racism and racial discrimination, the legacy of centuries of subjugation, deprivation, and marginalisation of people of African descent.

It is also well understood that racism in education undermines the potential of education as an empowering tool. The Committee on Economic, Social and Cultural Rights has proclaimed that ‘education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.’<sup>4</sup> Similarly, the CERD Committee General Comment 34, para. 62, cautions that States must “[e]nsure that public and private education systems do not discriminate against or exclude children based on race or descent.” States Parties to the Convention on the Rights of the Child undertake to respect and ensure the rights enshrined in the Convention accrue to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, ethnic or social origin, among other criteria.<sup>5</sup>

Nevertheless, research shows that children of African descent experience unfavourable treatment from both their peers, educators, and designated protectors on the basis of their race. Racism against children is particularly undertreated, constituting a lost opportunity for early intervention. In contexts where people of African descent are in the minority, children of African descent are at higher risk of dropping out of school and frequently have their study choices restricted to domains determined based on racial biases. This has created a pseudo glass ceiling and constrained the impact of the enabling quality of education even among educated people of African descent.

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<sup>1</sup> CERD General recommendation No. 34, paras. 25-6

<sup>2</sup> *Id.*

<sup>3</sup> Article 3 (1), Convention on the Rights of the Child. Ratified by General Assembly resolution 44/25 of 20 November 1989. Entered into force on 2 September 1990.

<sup>4</sup> General Comment No 13: the Right to Education, E/C.12/1999/10, 08 December 1999 para 1.

<sup>5</sup> Article 2 (1), Convention of the Rights of the Child, 1990.

Health is another area of persistent racial inequity, often shrouded by denial despite robust data on racial disparities. In addition to acute conditions, newer research confirms the impact of chronic racial stress on metabolic conditions and enduring physical and mental health concerns. Studies have shown that racial discrimination is a source of chronic stress among people of African descent<sup>6</sup>, with serious health impact, and children are not excepted. Racism experienced by women as primary care givers has adverse effects upon their children directly and vicariously.<sup>7</sup> The realisation of Sustainable Development Goals must constitute a deliberate and decisive break in the cycle of intergenerational disadvantage faced by children of African descent. Finally, reparations has particular relevance for children of African descent who are forced to navigate the biases of generations past.

## **Objectives and Outcomes**

The 30<sup>th</sup> Session of the Working Group will focus on the human rights situation of children of African descent globally.

The specific topics for each of the panel discussions are:

- Topic 1      Safeguarding the Health and Well-being of Children of African Descent
- Topic 2      The Imperative of Multiple Literacies for Children of African Descent to Survive and Thrive
- Topic 3      Existential Threats to the Black Family: Racialized Interpretations of the Best Interests of the Child of African Descent
- Topic 4      Administration of Justice and Children of African Descent
- Topic 5      Child/Youth of African Descent: Agency and Activism
- Topic 6      Intergenerational deprivation and Anti-Black Racism: Asset building for economic and financial freedom of children of African descent
- Topic 7      Repairing the World for the Future of African Descent

For each of these topics, a fundamental right will be discussed in the context of the specific ways in which systemic racism may drive persistent inequity, inequality, and injustice for children of African descent. The discussions will contribute to the Working Group's recommendations on the elimination of racial discrimination as a barrier to child rights and the fulfilment of the human rights of children of African descent.

At the end of the session, the Working Group will adopt conclusions and recommendations. A report on the session will be presented to the United Nations Human Rights Council in September 2022. The report will be available on the website of the Office for the High Commissioner for Human Rights ([www.ohchr.org](http://www.ohchr.org)).

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<sup>6</sup> Anthony D. Ong and Thomas Fuller – Rowell, 'Racial discrimination and the stress process' (2009) 96 (6) *Journal of Personality and Social Psychology* 1259– 1271.

<sup>7</sup> Eileen M. Condon *et al*, 'Racial Discrimination, Mental Health, and Parenting Among African American Mothers of Preschool-Aged Children', (2022) 61 (3) *Journal of the American Academy of Child and Adolescent Psychiatry* 402– 412.