

Healing Historical Trauma: The Vital Role of Family Integrity in Restoring Health and Wellness for People of African Descent

Second Session of the Permanent Forum on People of African Descent (PPPAD)

Children's Rights is a non-profit organization that for over 25 years has successfully protected the legal rights of thousands of children through litigation & advocacy. *JMACforFamilies* is a non-profit organization working to dismantle the family policing system while simultaneously investing in community support that keeps families together.

FORUM THEME: “Realizing the dream: A United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent.”

THEMATIC DISCUSSION TOPIC: Health, Well-Being, and Intergenerational Trauma

ISSUE: The U.S. child welfare system, in its laws, policies, and practices advances a storied tradition of global Afrophobia. This anti-Black racism, which finds its origin in the brutalities of the transatlantic slave trade, hinges upon the destruction of the Black family and the erasure of autonomy with regards to child rearing practices within communities of African descent. The U.S. model of “child protection” or child welfare, along with its carceral logics and anti-Black racism, has been adopted around the world with similarly devastating impact on communities of African descent globally.

The U.S child welfare system has historically enforced inimical and blatantly discriminatory laws to propagate white supremacist ideals in America. Through disproportionate surveillance, investigations, and family separations, the United States has created a child welfare system that is iniquitous in its involvement with Black families, causing profound trauma and devastating physical, emotional, and physiological consequences for Black children, parents, and communities.

Continued racial disparities at each stage of the child welfare system and the U.S. governments’ failure to adequately address these disparities has resulted in the need to uplift and protect the rights of people of African descent by condemning this system of family policing. Through the recognition of the right of people of African descent to family integrity, the following will also be protected:

- The sanctity of the Black family
- The right of Black children to their parents and family units
- The rights of Black families to parent children without fear or precarity
- The right of Black children, parents, and communities to experience good health (health is defined as “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity”)
- The right of Black families to live without the effects of racism on their health and well-being, including the inter-and transgenerational and epigenetic effects of trauma
- The right to celebrate and experience Black culture and identity

SUGGESTED CONCLUSIONS & RECOMMENDATIONS

1. The United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent must acknowledge the historic and ongoing forced-separation of families of African descent across the globe and the longstanding, ongoing trauma perpetuated from that separation, from one generation to the next.
2. The United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent must reflect a collective right to family integrity for children, parents, and families of African descent, which shall include protecting the sanctity of the Black family and the right of families of African descent to remain free from racial discrimination and state-sanctioned violence, including the forcible removal of their children.

RELEVANT INTERNATIONAL ADVOCACY:

In May 2022, we supported advocacy efforts before the UN Working Group of Experts on People of African Descent (WGEPAD).

WGEPAD 2022 “CHILDREN OF AFRICAN DESCENT” REPORT

“Foundational ideologies of racism toward 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.” (Working Group of Experts on People of African Descent, 2022, para. 61).

Observing that “persistent racial disparities in family interventions, including removal of children and termination of parental rights, often involve racialized decision-making and outcomes,” the WGEPAD emphasized that “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” (Working Group of Experts on People of African Descent, 2022, para. 62).

In August 2022, in anticipation of the U.S. review, we requested that the Committee on the Elimination of Racial Discrimination (CERD or the Committee) address the discrimination against Black communities within, by and through, the U.S. child welfare system. Following our request and our advocacy and testimony at the UN in Geneva, Switzerland, for the first time ever, the Committee recognized the anti-Black racism experienced by families who encounter the child welfare system.

CERD 2022 CONCLUDING OBSERVATIONS:

Child Welfare

43. While welcoming the acknowledgement by the State party that racial disparities occur at almost every stage of the decision-making process in the child welfare system, the Committee is concerned at the disproportionate number of children of racial and ethnic minorities removed from their families and placed in foster care, in particular children of African descent and Indigenous children. It is also concerned that families of racial and ethnic minorities are subjected to disproportionately high levels of surveillance and investigation and are less likely to be reunified with their children (arts. 2 and 5).

44. The Committee recommends that the State party take all appropriate measures to eliminate racial discrimination in the child welfare system, including by amending or repealing laws, policies and practices that have a disparate impact on families of racial and ethnic minorities, such as the Child Abuse Prevention and Treatment Act, the Adoption and Safe Families Act and the Adoption Assistance and Child Welfare Act. The Committee encourages the State party to hold hearings, including Congressional hearings, to hear from families who are affected by the child welfare system.

CONTACT INFORMATION: Shereen A. White (swhite@childrensrights.org); Angela Olivia Burton (jd2u_98@yahoo.com); Joyce McMillan (jmcmillan@jmacforfamilies.org).