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INTERNATIONAL DECADE FOR PEOPLE OF
AFRICAN DESCENT

Written submission for the preparation of the Report of the UN OHCHR pursuant to HRC Resolution 43/1 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”

A. Background

“*School to prison pipelines*” perpetuate racist White supremacist intergenerational criminalization and exclusion of Afrikans (Africans and people of African descent) from universal human rights. For example,

“Over the last three decades, research has shown that even when controlling for income level, Black students were four times more likely to be suspended than their white peers during the 2017-18 academic year (They) are also more likely to attend schools with law enforcement and significant security measures on campus, and were twice as likely to be referred or arrested than their white peers in 2018-19 (...) the school-to-prison pipeline such disproportionality begets—has been attributed to biases, implicit or otherwise, that school officials may carry into the schoolhouse” (State of California 2021, p.215- 216).

School to prison pipelines are also found in Europe.

“Adults and children of African descent are increasingly vulnerable when held in police custody, with numerous incidents of violence and deaths recorded, having regard to the routine use of racial profiling, discriminatory stop-and-search practices and surveillance in the context of abuse of power in law enforcement, crime prevention, counter-terrorism measures, or immigration control” (European Parliament, 2019).

According to a report broadcast Black Talk Radio Network on 20 March 2022, an Afrikan youth “Child Q” was subjected to an unjustified and traumatising intimate strip-search by the UK’s Metropolitan Police in 2020, following schoolteachers’ allegations that she smelt of cannabis, and was suspected to be carrying drugs. The International Decade for people of African Descent (IDPAD)’s thematic objectives of **recognition**, **justice**, and **development**, can be employed to advocate remedies and redress as interventions to achieve reparatory justice where White supremacist hegemony persists.



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B. Addressing *School to Prison pipelines* in the context of A/HRC/47/53's Four Point Agenda

School-to-prison pipelines attributed to racial biases, implicit or otherwise, illustrate Critical Race Theory (CRT)'s central tenet of *the ordariness of racism*. Biases do so by upholding White supremacist educational curricula, pedagogies, systems, and structures even in countries that have ratified the International Convention for the Elimination of Racial Discrimination (ICERD) 1965. In that regard,

“The terms ‘Afrophobia’, ‘Afri-phobia’ and ‘anti-black racism’ refer to a specific form of racism, including any act of violence or discrimination, fuelled by historical abuses and negative stereotyping, and leading to the exclusion and dehumanisation of people of African descent, whereas this correlates to historically repressive structures of colonialism and the transatlantic slave trade, as recognised by the Council of Europe’s High Commissioner for Human Rights” (European Parliament, 2019).

Racial bias is sometimes demonstrated by schoolteachers and law enforcement in countries of the Global North, where “*adult-ification*” of Afrikan minors perceived to be and treated as adults, can result in their criminalisation, trauma, and more tragic outcomes. For example, in the case of Child Q,

“Racism was likely to have been a factor in the decisions taken on the day in question. This is stark reminder to us that the experience of Black children in London can be very different to that of their white peers and therefore we must re-double our efforts to call out racism and continue to strive for anti-racist practices across all the agencies responsible for our children’s safety, education, and care,” (Camden Newsroom, 2020).

Similarly, infantilism is a commonly used by White supremacists to racially discriminate in realising universal human rights equally, generally, and globally. The regularity of racist macro and microaggressions contributes to poorer mental and physical health outcomes for Afrikans in the Global North. With this in mind, Res. A/HRC/47/53's *Four-point Agenda* admonishes state parties, civil society, and other stakeholders to *step up* and begin the journey towards racial justice and equality throughout society, by stopping denial and beginning to dismantle structures, institutions and behaviours that uphold Afrophobia.



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Importantly,

“Histories of injustices against Africans and people of African descent, including enslavement, forced labour, racial apartheid, massacres, and genocides in the context of European colonialism and the transatlantic slave trade, remain largely unrecognised and unaccounted for at an institutional level in the Member States,” (European Parliament, 2019).

The historical context within which *race* as a social construct was derived must therefore be articulated in relation to IDPAD’s thematic objective of **recognition**. Racial hierarchies were used by European colonisers to justify and legitimize enslavement of Afrikans from the 16th century onwards. White supremacist scientific and later sociological ideologies argued Afrikans were physically, mentally, and morally inferior to other ethnicities, and this was used as ideological and legal bases for capitalistic overexploitation of enslaved and colonised Afrikans.

The 19th century Haitian anthropologist Antenor Firmin’s *De l’égalité des races humaines* (1885) challenged European philosophers and scientists’ hierarchies of race based physical, intellectual, and moral capacities, when this was the accepted norm in Europe and the Americas. “Discriminatory stereotypes in some traditions across Europe, including the use of blackfacing, perpetuates deeply rooted stereotypes about people of African descent which can exacerbate discrimination” (European Parliament, 2019). Unlike his fellow members of the Société d’Anthropologie de Paris, who were sympathetic to polygenesis, which theorizes different human species or “races” being created separately, Firmin asserted a singular human species source.

Indubitably colour-blind policies perpetuate racist White supremacist ideologies in the Global North, whilst failing to acknowledge Afrikan experiences of *cradle-to-grave* macro and microaggressions that contribute to Afriphobia, through disproportionately poor access to universal human rights, *e.g.*, *school-to-prison pipelines*. As a member of the Afrikan community in Bristol, UK observed,

“The mainstream route taken from classroom to cell for too many Afrikan young people is both crude and predetermined. For too many the onslaught of negativity serves as the rationale for the disaffection that young people have for the educational process and is



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reflective of the collapse in academic interest and capacity, which appears to be one of the aims of the process.”

In that regard, “Evidence suggests that children of African descent in (EU) Member States are awarded lower grades than their white peers in schools, and early school leaving is markedly higher among children of African descent” (European Parliament, 2019).

Moreover, 40 years after racist Stop-And-Search practices by law enforcement contributed to criminalization of Afrikan youth in the early 1980s; Afrikans still account for a quarter of incarcerated youth and 10% of all prisoners, whilst accounting only 3% of the population of England and Wales (Byrne et al, 2021, pp.64-65). It therefore remains imperative that law enforcement officials are held accountable for violent as well as non-violent incidences of Afriphobia, whilst strengthening institutional oversight. European Parliament (2019)

“Calls on (European Union) Member States to end racial or ethnic profiling in all forms in criminal law enforcement, counter-terrorism measures, and immigration controls, and to officially recognise and combat practices of unlawful discrimination and violence through anti-racism and anti-bias training for the authorities.”

However, following BREXIT the UK’s obligation for European Union jurisprudence to be transposed into domestic law ceased. The British *school to prison pipeline can be very easily mapped through the Prevent programme and its impact on certain young people*. For example, PREVENT Guidance for HEIs states,

“We would expect appropriate members of staff to understand the factors that make people support terrorist ideologies or engage in terrorist-related activity. Such staff should have sufficient training to be able to recognise vulnerability to being drawn into terrorism and be aware of what action to take in response”.

Nonetheless, Afrikans remain underrepresented as role models in the British criminal justice system, where they account for less than 3% of prison officers, court judges, police officers, although law enforcement officers are increasingly employed by educational institutions, (Byrne et al, 2020, pp.54-55). This adversely affects relations between our communities and law enforcement. Furthermore, whilst the percentage of incarcerated White youth fell from 74% to 55% between 2008 and 2018, the rates of incarcerated Afrikan youth increased over the same period, from 15% to 25%, (Byrne et al, 2020, pp.64-65).



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Development necessitates public bodies and other stakeholders *pursue justice* by ending impunity and build trust in Afrikan communities. *The routes that expose young people to the world of the petty criminal become more and more predictable once students stop learning and get into seeking alternative ways to manage their time in the enforced environment where they feel the pressure of the teaching staff to conform.* In recent years, development of more inclusive curricula and pedagogy has become a feature across all levels of education, often, as in the case of CRT with much opposition. With this in mind IDPAD's thematic objectives can be linked to the 2030 Agenda for Sustainable Development, in order to advocate more inclusive and successful outcomes for Afrikans globally. This includes implementing SDG 16 Targets, to advocate peace, justice, and good governance, which in turn can be monitored for accountability through use of Global Monitoring Indicators.

Interventions which advocate stakeholders *listen up* to ensure Afrikans who stand against Afriphobia are protected, heard, and their concerns are acted upon, exemplify IDPAD's thematic objective of development, should be monitored to ensure emancipatory praxis is achieved. For example, **SDG Target 16.b**, asserts promoting and enforcing non-discriminatory laws and policies, and is advocated to public bodies and other stakeholders. Notably, European Parliament (2019)

“Calls on the (European) Commission to set up a dedicated team within the relevant services, with a specific focus on Afrophobia issues; (and) Insists that Member States implement and properly enforce the Council Framework Decision on combating certain forms and expressions of racism and xenophobia by means of criminal law, in particular the inclusion of bias motivations for crimes based on race, national or ethnic origin, as an aggravating factor to ensure that hate crimes against people of African descent are recorded, investigated, prosecuted, and sanctioned.”

Following the brutal murder of George Floyd in 2020, and ensuing global protests, the UN Human Rights Commissioner Michele Bachelet stated, *“no State has comprehensively accounted for the past or for the current impact of systemic racism,”* and called for a *“transformative agenda”* to uproot systemic racism and address law enforcement violence against Black people and people of African descent” (Eldabh & Dakwar, 2021).



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Similarly, the *critique of liberalism* is CRT's central tenet which advocates emancipatory praxis to dismantle oppressive, inequitable, neoliberal intersections of race and property. These intersections include education and employment policies derived from the "economic pull" of neo-colonial hegemony and imperialist capitalism, in opposition to Afrikan stories and narratives of intergenerational systemic racism. For example, *suspensions or exclusions (in education) dismissing young people to a commercial world where there are few second chances, and the slippery road into the hands of the police is clearly marked through local gangs and street corner talk about making big money*. The George Floyd Resolution acknowledges,

"There is an increasing willingness and emerging practice to acknowledge the need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism, and inviting States to seize opportunities to advance the anti-racism agenda, to prioritize attaining racial equity in implementing the 2030 Agenda, and to ensure that people of African descent are not left behind" (HRC, 2021, p.2).

In that regard, reparatory justice in educational settings is exemplified by educational curricula and policies inclusive of Afrikan cultural heritage. France's Loi Taubira acknowledges the transatlantic trade of enslaved Africans as a breach of universal human rights; and narratives on the unrepresentativeness of educational curricula are warranted by Art. 106 of the Durban Declaration and Plan of Action (DDPA) 2001 which

"Emphasizes that remembering the crimes or wrongs of the past, (...) and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality, and solidarity" (WCAR, 2001).

The broader impact of socioeconomic disparities such as poverty, poor housing in environmentally polluted neighbourhoods, unequal access to health services, and unemployment, also contributes to criminalisation and marginalisation of Afrikans from universal human rights. Socio-economic disadvantage therefore both results from and illustrates intergenerational impacts of Afrophobia. As a result, our communities remain "disproportionally over-represented among the lower-income strata of the European population. Strong and specific policies are therefore needed to address Afriphobia in criminal justice, political participation and in the impact of migration and asylum policies and practices" (European Parliament, 2019).



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C. Recommendations

It is imperative that the final stage of the *Four Point Agenda, redress* is used to achieve IDPAD's thematic objectives by confronting past legacies, and taking special measures, with the goal of delivering reparations to Afrikans for past and present manifestations of Afriphobia. In that regard, *A/HRC/Res/43/1* established,

“The international independent expert mechanism (that) shall have a three-year mandate, within the purview of its mandate, to advance racial justice and equality in the context of law enforcement in all parts of the world by, inter alia, conducting country visits, inclusive outreach, and consultations with States, directly affected individuals and communities, and other stakeholders” (HRC, 2021)

White supremacist structures and systems designed and shaped by enslavement, colonialism, and successive racially discriminatory policies and systems should therefore be dismantled through systemic change.

Notably European Parliament (2019),

“Calls on (European Union) Member States to monitor racial bias in their criminal justice and education systems and in their social services, and to take proactive steps to ensure equal justice and improve relations between the law enforcement authorities and minority communities, (...) in particular Black communities and people of African descent.”

With this in mind, the 2030 Agenda for Sustainable Development is recommended as a holistic normative framework within which state parties can be held accountable for transposing international anti-discrimination norms into domestic legislation and anti-racism policies. The criminal justice systems must be held accountable for acts of racial violence perpetrated by law enforcement officers, including the violation of the human rights of Afrikan minors such as Child Q. ICERD 1965 can be used to advocate and monitor state parties' repair, and redress for victims of racial violence by law enforcement officers. To conclude, it is recommended that the independent UN mechanism implement **SDG Target 16.b**, to advocate adoption of *Art. 11, A/HRC/RES/21* by state parties. Reparatory justice remains imperative to address past and present forms of Afrophobia, including *school-to-prison pipelines* that dehumanise Afrikans globally. Failure to achieve this could prove perilous.



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