

Guarantees of Non-repetition of Slavery: Reforming Domestic Laws, International Financial Structure and Domestic Educational Systems

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Table of Contents

Abstract.....	3
1.0 Introduction	3
2.0 Impact of Traditional and Contemporary Forms of Slavery on Human Rights	4
3.0 Combating Slavery for Human Rights, Justice and Development	6
4.0 Conclusion	9
References	10

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Kariuki Muigua*

Abstract

This paper discusses how slavery can be effectively combated for human rights, justice and development. The paper observes the legacy of slavery is one of the worst forms of human rights abuses in human history. It discusses some of the worst forms of slavery in history and their impacts on human rights, justice and development. Despite being outlawed and abolished under international, regional and national human rights law, the paper notes that slavery continues to exist today via contemporary/modern forms of slavery. It discusses some of the contemporary forms of slavery and their impact on human rights. Due to its deep and long-lasting impacts, the paper posits that it is imperative to guarantee non-repetition of slavery in its traditional forms while also combating modern forms of slavery in order to protect human rights and ensure justice and development for all people without discrimination. In order to attain this goal, the paper examines the need to reform domestic laws, international financial structure and domestic educational systems.

1.0 Introduction

Slavery is a negative phenomenon that significantly impacts human rights and development. In its historical context, slavery refers to a system of oppression under which a person is owned by another¹. Under this definition, a person becomes property of another person and is usually subjected to inhumane and degrading treatment including through being forced to work without pay and being deprived of personal freedom². Slavery has been one of the negative chapters in human history where a slave was considered by law as property, or chattel, and was deprived of most of the rights ordinarily held by free persons³. For example, the *Convention to Suppress the Slave Trade and Slavery*⁴ notes that slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised⁵.

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¹ United Nations Educational, Scientific and Cultural Organization., 'Slavery' Available at <https://www.unesco.org/en/query-list/s/slavery> (Accessed on 05/08/2026)

² Ibid

³ Slavery., Available at <https://www.britannica.com/topic/slavery-sociology> (Accessed on 05/08/2026)

⁴ League of Nations, Convention to Suppress the Slave Trade and Slavery, 60 LNTS 253, Registered No. 1414, 25 September 1926

⁵ Ibid, article 1 (1)

It has been observed that slavery is not only a past event but it also continues to exist in the modern era in its contemporary forms⁶. For example traditional slavery, forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage have been identified as some of the contemporary forms of slavery⁷. It has been observed that contemporary forms of slavery are severely impacting human rights especially for vulnerable individuals including women, girls, children, the poor and minorities⁸.

Combating slavery is therefore necessary towards promoting human rights for all towards justice and development. The *Universal Declaration of Human Rights*⁹ provides that no one shall be held in slavery or servitude and that slavery and the slave trade shall be prohibited in all their forms¹⁰. With the legacy of slavery continuing to impact humanity today, there is urgent need to combat modern forms of slavery while ensuring that some of the worst forms of slavery witnessed in human history are not repeated.

This paper discusses how slavery can be effectively combated for human rights, justice and development. The paper observes the legacy of slavery is one of the worst forms of human rights abuses in human history. It discusses some of the worst forms of slavery in history and their impacts on human rights, justice and development. Despite being outlawed and abolished under international, regional and national human rights law, the paper notes that slavery continues to exist today via contemporary/modern forms of slavery. It discusses some of the contemporary forms of slavery and their impact on human rights. Due to its deep and long-lasting impacts, the paper posits that it is imperative to guarantee non-repetition of slavery in its traditional forms while also combating modern forms of slavery in order to protect human rights and ensure justice and development for all people without discrimination. In order to attain this goal, the paper examines the need to reform domestic laws, international financial structure and domestic educational systems.

2.0 Impact of Traditional and Contemporary Forms of Slavery on Human Rights

Slavery in both its traditional and contemporary forms is a major impediment to the realisation of human rights and development. Before being outlawed by human rights laws at the international, regional, and national levels, slavery as an institution had a long and complex history spanning across centuries. It has been observed that for many centuries, slavery and the slave trading enterprises were the greatest commercial enterprises in the world and had an impact on the structure of the world economy, politics, race relations and cultural relations and

⁶ Office of the United Nations High Commissioner for Human Rights., 'Special Rapporteur on contemporary forms of slavery' Available at <https://www.ohchr.org/en/special-procedures/sr-slavery> (Accessed on 05/08/2026)

⁷ Ibid

⁸ Ibid

⁹ United Nations General Assembly, *Universal Declaration of Human Rights*, 217 A (III), 10 December 1948

¹⁰ Ibid, article 4

how civilizations have interacted with each other¹¹. For example, it has been observed that slavery existed in Africa for a long time especially in North Africa and along the Indian Ocean¹². In particular, the trans-Saharan slave trade saw millions of Africa especially from sub-Saharan Africa being captured and sold as slaves across the Arab world¹³. It has been observed that during this era, enslaved Africans were exploited as domestic servants, soldiers, concubines, agricultural laborers and porters often under harsh and inhumane treatment¹⁴.

In addition, it has been pointed out that slave trade across the Indian Ocean lasted far longer than the trans-Atlantic trade and may have involved comparable numbers of enslaved people¹⁵. During this slave trade, millions of Africans were transported across the Indian Ocean and sold into slavery in Asia where they were exploited for various purposes including being used as soldiers, guards, domestic laborers, concubines and objects of curiosity¹⁶. It has been observed that for many centuries, the Indian Ocean slave trade formed part of a vast commercial network connecting East Africa to the Middle East, India, Central Asia and China¹⁷.

The trans-Atlantic slave trade also represents some of the worst form of human rights abuses in history. The United Nations observes that for over 400 years, more than 15 million men, women and children were the victims of the tragic trans-Atlantic slave trade, one of the darkest chapters in human history¹⁸. During this slave trade, millions of people from Africa were kidnapped, forced onto European and American ships, and trafficked across the Atlantic Ocean to be enslaved, abused, and forever separated from their homes, families, ancestors, and cultures¹⁹. It has been observed that millions of Africa lost their lives during the journey across the Atlantic Ocean while those who survived were sold into slavery and subjected to forced labour, abuse and violence across the Americas²⁰.

The institution of slavery therefore represents a dark chapter in human history. During the era of slavery in Africa, millions of people were subjected to grave human rights violations by being

¹¹ United Nations., 'Unravelling the Legacies of Slavery' Available at <https://news.un.org/en/story/2024/04/1148166> (Accessed on 06/08/2026)

¹² Klein. M.A., 'Slavery in Africa' Available at <https://academic.oup.com/edited-volume/61663/chapter-abstract/553362519?redirectedFrom=fulltext> (Accessed on 06/08/2026)

¹³ King. S.J., 'Anti-Black Racism and Slavery in Desert and Non-Desert Zones of North Africa' Available at <https://pomeps.org/anti-black-racism-and-slavery-in-desert-and-non-desert-zones-of-north-africa> (Accessed on 06/08/2026)

¹⁴ Ibid

¹⁵ Plaut. M., 'Slavery in the Indian Ocean World' Available at <https://martinplaut.com/2026/03/26/slavery-in-the-indian-ocean-world/> (Accessed on 06/08/2026)

¹⁶ Ibid

¹⁷ Ibid

¹⁸ United Nations., 'Slave Trade' Available at <https://www.un.org/en/observances/decade-people-african-descent/slave-trade> (Accessed on 06/08/2026)

¹⁹ Equal Justice Initiative., 'The Transatlantic Slave Trade' Available at <https://eji.org/report/transatlantic-slave-trade/> (Accessed on 06/08/2026)

²⁰ Chutel. L., 'What Reparations are owed to Africa?' Available at <https://qz.com/africa/1915182/what-reparations-are-owed-to-africa> (Accessed on 06/08/2026)

killed, tortured, sold into forced labour and separated from their families and culture²¹. Slavery has also been linked to underdevelopment in Africa since the continent was deprived of manpower, income, resources, innovation and creativity²².

Traditional forms of slavery have since been outlawed under international and regional human rights law. For example, at the global level, the *Universal Declaration of Human Rights*²³ prohibits slavery and slave trade in all their forms. In addition, at the regional level, the *African Charter on Human and Peoples' Rights*²⁴ prohibits all forms of human exploitation and degradation including slavery and slave trade²⁵.

Despite being outlawed, slavery continues to exist today albeit in contemporary forms. It has been argued that slavery in the modern world can be construed as the inability of a person to exercise their natural capacities when they find themselves in a state of unlimited subordination to another individual²⁶. For instance, the United Nations observes that modern forms of slavery including human trafficking, sexual exploitation, forced labour, child labour, and child and forced marriage are on the rise all over the world²⁷. These practices affect vulnerable populations including children, girls, and women, rob them their dignity, undermine their human rights, and limit their effective participation in the economic, social, cultural, and political spheres of life²⁸.

Due to its impacts on human rights, it is imperative to combat slavery in all its forms in order to uphold human dignity for justice and development.

3.0 Combating Slavery for Human Rights, Justice and Development

Slavery is one of the darkest chapters in the history of humanity. In both its traditional and contemporary forms, slavery has been a major cause of human rights abuses, injustices, violation of human dignity and underdevelopment. The United Nations notes that slavery and slave trade has shaped race relations and the development of racism as a philosophy for social organization, where most societies where it has touched are now structured in such a way that people of African descent are considered the most marginalised people, and the descendants of the enslaved people

²¹ United Nations., 'Slave Trade' Op Cit

²² Chutel. L., 'What Reparations are owed to Africa?' Op Cit

²³ United Nations General Assembly, *Universal Declaration of Human Rights*, 217 A (III), 10 December 1948

²⁴ Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights* ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982)

²⁵ Ibid, article 5

²⁶ Allain. J., 'Contemporary Slavery and its Definition in Law' Available at https://glc.yale.edu/sites/default/files/pdf/allain_-_contemporary_slavery_and_its_definition_in_law_proofs.pdf (Accessed on 06/08/2026)

²⁷ United Nations., 'Modern Slavery is On the Rise' Available at <https://www.un.org/en/observances/slavery-abolition-day#:~:text=Essentially%2C%20it%20refers%20to%20situations,ethnic%2C%20cultural%20and%20religious%20lines> (Accessed on 06/08/2026)

²⁸ Ibid

still continue to suffer racism and human right abuses²⁹. The United Nations General Assembly (UNGA) adopted a landmark *Resolution*³⁰, on 25th March 2026, recognising slavery and slave trade as the ‘*gravest crime against humanity*’³¹. The UNGA Resolution notes that the consequences of slavery and slave trade still persist today as evidenced by the racism, racial disparities, inequalities, intolerance and discrimination faced by people of African descent³².

In light of the deep and long-lasting impacts of slavery, the global community has recognised the need to foster reparatory justice for victims of both traditional and contemporary forms of slavery. Reparations are recognized as part of the right to a remedy under international law for victims of serious violations of International Humanitarian Law (IHL) and human rights³³. According to the United Nations, reparatory justice is a fundamental agenda in the 21st century towards addressing the injustices perpetuated by the trans-Atlantic slave trade, colonialism, apartheid, and systemic racial discrimination among other historical crimes faced by people of African descent³⁴. In particular, in the context of slavery, there is need to fast-track reparatory justice for people of African descent through measures which include full and formal apology, restitution, compensation, rehabilitation, satisfaction, guarantees of non-repetition and changes to laws, programs and services to address racism and systemic discrimination that still persists today³⁵.

It is therefore necessary to foster reparatory justice for people of African descent including through guarantees of non-repetition of slavery. In particular, there is need to reform domestic laws in order to spearhead reparatory justice and address the human rights abuses perpetuated by slavery. For example, by putting in place effective legal and institutional frameworks, it is possible to redress historical and current injustices including slave trade, colonialism and plunder of natural resources committed against people of African descent³⁶. By reforming domestic laws, it is possible to address inequalities in economic, social and governance frameworks towards

²⁹ United Nations., ‘Unravelling the Legacies of Slavery’ Op Cit

³⁰ United Nations General Assembly., ‘Declaration of the Trafficking of Enslaved Africans and Racialized Chattel Enslavement of Africans as the Gravest Crime against Humanity’ A/80/L.48., Available at <https://digitallibrary.un.org/record/4106588?ln=en#files> (Accessed on 06/08/2026)

³¹ Ibid

³² Ibid

³³ International Center for Transitional Justice., ‘Reparations’ Available at <https://www.ictj.org/reparations> (Accessed on 06/08/2026)

³⁴ United Nations., ‘Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa’ Available at <https://www.un.org/osaa/news/beyond-compensation-reparatory-justice-structural-economic-imperative-africa> (Accessed on 06/08/2026)

³⁵ United Nations General Assembly., ‘Declaration of the Trafficking of Enslaved Africans and Racialized Chattel Enslavement of Africans as the Gravest Crime against Humanity’ Op Cit

³⁶ United Nations., ‘Beyond Compensation: Reparatory Justice as a Structural Economic Imperative for Africa’ Op Cit

racial justice and equality³⁷. Reforming domestic laws is necessary towards addressing the injustices and human rights abuses that are directly linked to slavery through investments in people of African descent in key sectors including education, healthcare and economic empowerment³⁸.

There is also need to reform the international financial structure in order to promote reparatory justice for people of African descent. It has been observed that the current international financial architecture, including the International Monetary Fund and the World Bank, mirrors a continuation of colonial structures of oppression with African countries being forced to borrow loans at high interest rates while also required to implement structural adjustments which often deviate spending from socio-economic development³⁹. Consequently, there is need to reform the global financial architecture to ensure equitable representation for Africa and people of African descent in shaping global economic policies in order to enhance inclusive and equitable development for all people in all countries⁴⁰. In particular, it has been observed that transforming the global financial architecture including through giving Africa an adequate voice in decision-making processes can ensure that the continent receives aid on reasonable terms that do not undermine its development agenda⁴¹. Reforming the international financial structure is therefore key towards promoting reparatory justice for Africans and people of African descent.

It is also imperative to reform domestic educational systems in order to address the legacies of slavery and colonialism and promote reparatory justice for Africans and people of African descent. For instance, it has been observed that domestic educational systems in Africa are dominated by Eurocentric perspectives and philosophies, which has led to imbalanced and inaccurate representation of Africa's history and preconceptions⁴². Westernization of education

³⁷ Office of the United Nations High Commissioner for Human Rights., 'Reparatory Justice for People of African Descent' Available at <https://www.ohchr.org/sites/default/files/2024-12/reparatory-justice-african-descent-people-1-en.pdf> (Accessed on 06/08/2026)

³⁸ International Services for Human Rights., 'ACHPR83: Advancing justice for Africans, people of African descent through reparations' Available at <https://ishr.ch/latest-updates/achpr83-panel-on-justice-for-africans-and-people-of-african-descent-through-reparations/> (Accessed on 06/08/2026)

³⁹ How the International Monetary Fund Underdevelops Africa: The Twenty-First Newsletter (2025)., Available at <https://thetricontinental.org/newsletterissue/africa-imf-underdevelopment/> (Accessed on 06/08/2026)

⁴⁰ United Nations Economic Commission for Africa., 'Reparative justice for Africa and people of African descent must go beyond financial compensation - ECA Chief' Available at <https://www.uneca.org/stories/reparative-justice-for-africa-and-people-of-african-descent-must-go-beyond-financial> (Accessed on 06/08/2026)

⁴¹ African Forum and Network on Debt and Development., 'Reforming the Global Financial Architecture as a Pre-Requisite for Debt Sustainability' Available at https://afrodad.org/sites/default/files/publications/Reforming%20the%20Global%20Financial%20Architecture_0.pdf (Accessed on 06/08/2026)

⁴² United Nations Educational, Scientific and Cultural Organization., 'Mainstreaming the General History of Africa into education systems: The curriculum pathway' Available at

in the Global South particularly in Africa has led to the exclusion of African culture, histories, philosophies, languages and indigenous knowledge systems undermining the quest towards quality, inclusive and appropriate education⁴³. It is therefore necessary to reform domestic educational systems in Africa and the Global South with emphasis on indigenous philosophies, knowledge systems, languages, cultures and histories⁴⁴. Through this approach, it is possible to decolonize education systems, provide a deeper understanding of the legacies of slavery and colonialism from an African perspective, ensure that learners are taught in languages that they understand, and embrace Afrocentric narratives that have long been sidelined by the current Western education systems⁴⁵.

Through the foregoing approaches, it is possible to tackle the lasting impacts of slavery including through guarantees of non-repetition while also promoting reparatory justice for people of African descent.

4.0 Conclusion

There is need to acknowledge and redress the human rights abuses and injustices perpetuated by slavery and slave trade in order to achieve reparatory justice for people of African descent. In particular, reforming domestic laws, international financial structure and domestic educational systems provides an effective approach towards ensuring guarantees of non-repetition of slavery towards reparatory justice for human rights and development.

<https://www.unesco.org/en/articles/mainstreaming-general-history-africa-education-systems-curriculum-pathway> (Accessed on 06/08/2026)

⁴³ Mart. C.T., 'British colonial Education Policy in Africa' *Internal journal of English and literature* Vol. 2(9), pp. 190-194, December 2011

⁴⁴ United Nations Educational, Scientific and Cultural Organization., 'Mainstreaming the General History of Africa into education systems: The curriculum pathway' Available at <https://www.unesco.org/en/articles/mainstreaming-general-history-africa-education-systems-curriculum-pathway> (Accessed on 06/08/2026)

⁴⁵ Ibid

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