

RIGHTS OF INDIGENOUS PEOPLES INTEREST GROUP NEWSLETTER

Editorial

The Rights of Indigenous Peoples Interest Group (RIPIG) newsletter is changing its format commencing with 2025. The new format is for 4 issues per year, with each year having a volume number and each issue having an issue number. Each issue corresponds to a quarter of the year. In addition, issues 1 and 3 of each year will be dedicated to articles contributed by guest authors under the issue editor, and issues 2 and 4 of each year will be focused on highlights, events, developments, publications, and announcements compiled by newsletter editors from RIPIG members.

Dear Reader,

The American Society of International Law is pleased to present its latest newsletter featuring articles on the Yezidis of Iraq, the Inuit Women of Canada, and an academic feature on the work of Dr. Elizabeth M. Zechenter, an anthropologist, international law attorney, and human rights advocate, on the human rights of indigenous peoples.

On behalf of ASIL, we hope you enjoy this latest issue. If you wish to write for this newsletter, please contact me at catherine@blbglaw.com.

Thank you,

Catherine van Kampen, Esq.
Editor

INSIDE THIS ISSUE

**Exploring Legal Redress Available
to Yezidi Boys Cyber-exploited by
ISIS on Global Social Media**

2

**Neglected and Kept
Vulnerable- Ezidis as an
Indigenous Group**

7

**Interview with Dr. Elizabeth
M. Zechenter, Anthropologist,
International Law Attorney, and
Human Rights Advocate, on the
Human Rights of Indigenous Peoples**

10

**The Salt of the Barren Womb:
Reclaiming the Stories of
Sterilized Inuit Women**

15

.....

**Rights of Indigenous Peoples
Interest Group**

CO-CHAIRS

Jonathan Liljebblad
Yuri Mantilla

EDITOR

Catherine van Kampen, Esq.

ASSISTANT EDITORS

Felipe Martins Anawate
Gilson Roberto Genaro Aza
Vitória Martins Venancio Paes de Carvalho

Views contained in this publication are those of the authors in their personal capacity. The American Society of International Law and this Interest Group do not generally take positions on substantive issues, including those addressed in this periodical.

Exploring Legal Redress Available to Yazidi Boys Cyber-exploited by ISIS on Global Social Media

By:

Wahhab Hassoo

Alaina Kasimatis

Robert Jeffrey Powell

Catherine van Kampen

The 2014 ISIS Genocide Against the Yazidi People

In August 2014, the so-called Islamic State (ISIS) launched a genocidal assault against the Yazidi people, a small religious and ethnic minority indigenous to the Sinjar region in northern Iraq.¹ Grounded in longstanding and erroneous interpretations of Yazidism, which extremist clerics exploited to justify labeling Yazidis as “devil worshippers,” the campaign was a calculated attempt to annihilate the Yazidi community, deploying widespread violence, forced displacement, and mass killings.² The consequences were catastrophic as the 2014 massacre left more than 5,800 deaths and 6,000 Yazidis captured and enslaved.³ By

March 2015 500,000 Yazidis had been displaced and much of the Yazidi homeland of Sinjar largely destroyed by ISIS.⁴

ISIS systematically separated men and boys from women and girls.⁵ Males were often executed en masse, their bodies buried in hastily dug mass graves using bulldozers.⁶ Women deemed undesirable or too old for forced and sexual enslavement were also summarily executed, with corpses being recovered in mass graves.⁷ Many women and girls were sold into sexual slavery—subjected to gang rape, starvation, beatings, forced labor, and unspeakable torture.⁸

—continued on page 3

1 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

2 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025); Liam Duffy, *Western Foreign Fighters and the Yazidi Genocide* (Mar. 16, 2021), COUNTER EXTREMISM PROJECT, at 13, www.counterextremism.com/sites/default/files/Western%20Foreign%20Fighters%20and%20the%20Yazidi%20Genocide%20Report%2016%20March%202021.pdf (visited Sept. 23, 2025); Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 6-7, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025); Anne Speckhard & Molly Ellenberg, *Perspective: Can We Repatriate the ISIS Children?*, 3 HORIZON INSIGHTS 3 (2020), at 18-19, <https://behorizon.org/wp-content/uploads/2020/10/Horizon-Insights-2020-3.pdf> (visited Sept. 23, 2025).

3 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 288 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

4 United Nations High Commissioner for Refugees, *COI Note on the Situation of Yazidi IDPs in the Kurdistan Region of Iraq* (May 2019), at 1, <https://www.refworld.org/reference/countryrep/unhcr/2019/en/122812> (visited Sept. 24, 2025); Benjamin Isakhan & Sofya Shahab, *The Islamic State's Destruction of Yazidi Heritage: Responses, Resilience and Reconstruction after Genocide*, 20 J. SOC. ARCHAEOLOGY (2020), at <https://journals.sagepub.com/doi/full/10.1177/1469605319884137> (visited Sept. 23, 2025).

5 Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 10, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025).

6 Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 10-11, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025).

7 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 288 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

8 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 288 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025); Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 6, 12, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025).

Exploring Legal Redress Available to Yazidi Boys Cyber-exploited by ISIS on Global Social Media

—continued from page 2

This brutality extended to children. Girls as young as nine were sold as sex slaves and trafficked repeatedly.⁹ Boys, meanwhile, were abducted, indoctrinated, and conscripted as child soldiers—known as the “Cubs of the Caliphate.”¹⁰ Children as young as five were subjected to military training and religious indoctrination, where they were renamed, taught to reject their heritage, and instructed in extremist ideology aimed at cultivating hatred toward their own families.¹¹ This was a strategic effort to erase Yazidi identity and repurpose Yazidi boys as instruments of further destruction within their own communities.¹²

ISIS strategically deployed children as suicide bombers, spies, preachers, executioners, and soldiers.¹³ Boys aged eight to twelve were forcibly transported—often across borders—and given new Arabic names. They were subjected to weeks of indoctrination that included watching

graphic execution videos and undergoing military drills with live ammunition. Noncompliance was met with beatings, torture, and in some cases, rape.¹⁴

The psychological violence inflicted on Yazidi boys was profound. Survivors recall being forced to watch beheadings and killings as part of their indoctrination.¹⁵

Crucially, experts emphasize that ISIS’s indoctrination efforts were not solely based on fear or coercion.¹⁶ ISIS deliberately cultivated camaraderie and loyalty among child recruits, fostering a sense of belonging and pride in their roles.¹⁷ Despite the horrendous conditions—physical exhaustion, psychological trauma, and deprivation—many children developed emotional attachments to their peers and even to their captors, making it psychologically harder to break free.¹⁸ “[C]hildren formed close bonds with one another and felt pride in what they were doing.”¹⁹

—continued on page 4

9 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 288, 293 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

10 Anne Speckhard & Molly Ellenberg, *Perspective: Can We Repatriate the ISIS Children?*, 3 HORIZON INSIGHTS 3 (2020), at 18, 29, <https://behorizon.org/wp-content/uploads/2020/10/Horizon-Insights-2020-3.pdf> (visited Sept. 23, 2025); Nasreen Suleman, *Modern slavery a national security issue says new study* (Feb. 17, 2020), UNIVERSITY OF NOTTINGHAM, at www.nottingham.ac.uk/news/modern-slavery-a-national-security-issue-says-new-study (visited Sept. 23, 2025).

11 Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS’s Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 11-12, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025); Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 289, 294 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

12 Valeria Cetorelli & Sareta Ashraph, *A Demographic Documentation of ISIS’s Attack on the Yazidi Village of Kocho* (June 2019), LSE MIDDLE EAST CENTRE REPORT, at 11-12, https://eprints.lse.ac.uk/101098/1/Cetorelli_Demographic_documentation_ISIS_attack.pdf (visited Sept. 24, 2025); Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 289, 294 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

13 Mark Townsend, *How Islamic State is training child killers in doctrine of hate* (Mar. 5, 2016), GUARDIAN, at www.theguardian.com/world/2016/mar/05/islamic-state-trains-purer-child-killers-in-doctrine-of-hate (visited Sept. 23, 2025).

14 Nadia Al-Dayel, Andrew Mumford & Kevin Bales, *Not Yet Dead: The Establishment and Regulation of Slavery by the Islamic State*, 45 STUD. CONFLICT & TERRORISM 929, 934-935 (2020), at www.tandfonline.com/doi/epdf/10.1080/1057610X.2020.1711590?needAccess=true (visited Sept. 23, 2025).

15 Wendy Cook, *Yazidi Genocide*, in Lenore Walker, Giselle Gaviria & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 289 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

16 Phil C. Langer & Aisha-Nusrat Ahmad, *Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq* (Dec. 2019), INTERNATIONAL PSYCHOANALYTIC UNIVERSITY BERLIN, at 12-13, www.ipu-berlin.de/fileadmin/downloads/forschung/isis-report.pdf (visited Sept. 24, 2025).

17 Phil C. Langer & Aisha-Nusrat Ahmad, *Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq* (Dec. 2019), INTERNATIONAL PSYCHOANALYTIC UNIVERSITY BERLIN, at 12-13, www.ipu-berlin.de/fileadmin/downloads/forschung/isis-report.pdf (visited Sept. 24, 2025).

18 Phil C. Langer & Aisha-Nusrat Ahmad, *Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq* (Dec. 2019), INTERNATIONAL PSYCHOANALYTIC UNIVERSITY BERLIN, at 13, www.ipu-berlin.de/fileadmin/downloads/forschung/isis-report.pdf (visited Sept. 24, 2025).

19 Phil C. Langer & Aisha-Nusrat Ahmad, *Psychosocial Needs of Former ISIS Child Soldiers in Northern Iraq* (Dec. 2019), INTERNATIONAL PSYCHOANALYTIC UNIVERSITY BERLIN, at 13, www.ipu-berlin.de/fileadmin/downloads/forschung/isis-report.pdf (visited Sept. 24, 2025).

Exploring Legal Redress Available to Yezidi Boys Cyber-exploited by ISIS on Global Social Media

—continued from page 3

Global Cyber-Exploitation of Yezidi Boys as “Cubs of the Caliphate”

ISIS’s cyber-exploitation of trafficked Yezidi boys constitutes a disturbing evolution in modern slavery—one that leverages digital technologies to reinforce physical captivity and psychological indoctrination. Through calculated propaganda campaigns on social media, ISIS weaponized images and videos of these boys to spread terror, recruit foreign fighters, and secure ideological allegiance across borders.²⁰ This digital dissemination is both a form of abuse and a multiplier of harm, amplifying the trauma of child victims by transforming their suffering into global performance.

Social media platforms such as Facebook, YouTube, Twitter, Google, WhatsApp, Messenger, Kik, and Telegram served as indispensable tools for the group’s global dissemination of propaganda, enabling mass radicalization, recruitment, and psychological terror beyond conventional battlefields.

Despite public commitments to remove extremist content, companies like Facebook, YouTube, and Twitter failed to enforce their own community standards. Governments, including those of the UK and EU, repeatedly warned of the need for stricter oversight. Nonetheless, no major tech company has been meaningfully investigated, prosecuted, or fined for enabling the dissemination of terrorist propaganda that contributed to the genocide of the Yezidis.

Permanent Impact on Yezidi Boys as Former Cubs of the Caliphate

The legacy of ISIS’s atrocities did not end with the collapse of the caliphate. For the nearly 2,000 Yezidi children who have returned to their families after captivity, the trauma continues in new forms—manifesting as long-term physical injuries, psychological distress, and immense reintegration challenges.²¹

20 Anne Speckhard & Molly Ellenberg, *Perspective: Can We Repatriate the ISIS Children?*, 3 HORIZON INSIGHTS 3 (2020), at 18, 29, <https://behorizon.org/wp-content/uploads/2020/10/Horizon-Insights-2020-3.pdf> (visited Sept. 23, 2025).

21 Amnesty International, *Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (July 30, 2020), at 36, www.amnesty.org/en/documents/mde14/2759/2020/en/ (visited Sept. 23, 2025).

The psychological consequences are equally severe. These children have lived through the systematic dismantling of their identities: renamed, forced to speak new languages, indoctrinated with extremist ideologies, and sometimes pitted against their own communities.²² Reintegration is complicated by fractured family ties, stigmatization, cultural dissonance, and lingering fear.²³ Many suffer from PTSD, depression, and suicidal ideation.²⁴ Access to mental health care remains alarmingly limited, particularly in Sinjar and other return areas devastated by conflict.²⁵

The enduring trauma experienced by Yezidi boys formerly conscripted as “Cubs of the Caliphate” presents both a humanitarian emergency and a legal imperative. These survivors are not merely victims of war—they are victims of genocide, slavery, and state failure. Their rehabilitation and redress demand a coordinated international response grounded in human rights law, transitional justice frameworks, and survivor-led recovery programs.

Avenues for Redress under Current Legal Frameworks and Regulatory Structures

The Genocide Convention - The 2014 ISIS-led genocide against the Yezidi people was formally recognized by the United Nations in 2016.²⁶ Among the gravest crimes com-

—continued on page 5

22 Amnesty International, *Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (July 30, 2020), at 6-7, 28, 30, 32, 54, www.amnesty.org/en/documents/mde14/2759/2020/en/ (visited Sept. 23, 2025); Anne Speckhard & Molly Ellenberg, *Perspective: Can We Repatriate the ISIS Children?*, 3 HORIZON INSIGHTS 3 (2020), at 18, 29, <https://behorizon.org/wp-content/uploads/2020/10/Horizon-Insights-2020-3.pdf> (visited Sept. 23, 2025).

23 Anne Speckhard & Molly Ellenberg, *Perspective: Can We Repatriate the ISIS Children?*, 3 HORIZON INSIGHTS 3 (2020), at 18, 29, <https://behorizon.org/wp-content/uploads/2020/10/Horizon-Insights-2020-3.pdf> (visited Sept. 23, 2025).

24 Amnesty International, *Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (July 30, 2020), at 6, 23, www.amnesty.org/en/documents/mde14/2759/2020/en/ (visited Sept. 23, 2025).

25 Amnesty International, *Iraq: Legacy of Terror: The Plight of Yezidi Child Survivors of ISIS* (July 30, 2020), at 11, www.amnesty.org/en/documents/mde14/2759/2020/en/ (visited Sept. 23, 2025).

26 Wendy Cook, *Yezidi Genocide*, in Lenore Walker, Giselle Gavia & Kalyani Gopal (eds.), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* 287, 289 (Springer 2018), at https://link.springer.com/chapter/10.1007/978-3-319-73621-1_32 (visited Sept. 24, 2025).

Exploring Legal Redress Available to Yezidi Boys Cyber-exploited by ISIS on Global Social Media

—continued from page 4

mitted were the forcible abductions and indoctrination of Yezidi boys—acts that may be prosecutable under Article II(e) of the *Convention on the Prevention and Punishment of the Crime of Genocide*, which defines genocide to include “[f]orcibly transferring children of the group to another group” (Convention on the Prevention and Punishment of the Crime of Genocide (1948)).

Corporate Accountability - ISIS’s crimes were not confined to the battlefield—they were broadcast, glorified, and weaponized online. Social media platforms including Facebook, Twitter, YouTube, Telegram, and WhatsApp became central to ISIS’s strategy to radicalize, recruit, and terrorize, particularly through its portrayal of Yezidi children as “Cubs of the Caliphate.”

While international criminal law currently does not hold corporations as entities accountable, individuals within those corporations—who knowingly facilitate the spread of genocidal propaganda—may be charged if the *mens rea* (knowledge of contributing to the criminal objective) is met.²⁷

The U.S. and Section 230 - In the United States, social media companies often invoke Section 230 of the *Communications Decency Act* to shield themselves from liability for user-generated content.²⁸ Such immunity is not absolute.²⁹ Recent legal developments, including the Texas Supreme Court’s 2021 decision in *Doe v. Facebook*, demonstrate that platforms may be held liable when they knowingly benefit from or fail to act against sex trafficking conducted via their services.³⁰ In allegations against Facebook that

27 Neema Hakim, *How Social Media Companies Could Be Complicit in Incitement to Genocide*, CHI. J. INT’L L. (2020), at <https://cjlil.uchicago.edu/publication/how-social-media-companies-could-be-complicit-incitement-genocide> (visited Sept. 23, 2025).

28 Valerie C. Brannon, *Liability for Content Hosts: An Overview of the Communication Decency Act’s Section 230* (June 6, 2019), CONGRESSIONAL RESEARCH SERVICE, at 1, <https://fas.org/sgp/crs/misc/LSB10306.pdf> (visited Sept. 24, 2025).

29 Valerie C. Brannon, *Liability for Content Hosts: An Overview of the Communication Decency Act’s Section 230* (June 6, 2019), CONGRESSIONAL RESEARCH SERVICE, at 3, <https://fas.org/sgp/crs/misc/LSB10306.pdf> (visited Sept. 24, 2025).

30 Heidi Johnson, *Texas Supreme Court rules Facebook can be sued for sex trafficking* (June 28, 2021), JURIST, at www.jurist.org/news/2021/06/texas-supreme-court-rules-facebook-can-be-sued-for-sex-trafficking/ (visited Sept. 23, 2025).

plaintiffs became victims of sex trafficking after meeting their abusers through Facebook or Instagram, Facebook contended that the claims were barred by Section 230 of the CDA.³¹ However, the Texas Supreme Court disagreed stating that Section 230 protects internet platforms from being held accountable for their users’ words or actions, but “[h]olding internet platforms accountable for their own misdeeds is quite another thing.” The court held that the plaintiffs’ statutory claims against Facebook were not barred by Section 230.³² The ruling may set a precedent for other cases against social media companies for the harm done on their platforms.³³

European Legal Frameworks and Case Law - In a landmark ruling, France’s *Cour de Cassation* (the highest court in the French judiciary) upheld criminal charges against cement manufacturer Lafarge for complicity in crimes against humanity.³⁴ Lafarge was accused of paying nearly €13 million to ISIS and other armed groups to maintain its operations in Syria.³⁵ The court held that such payments—even if commercially motivated—could constitute

—continued on page 6

31 Heidi Johnson, *Texas Supreme Court rules Facebook can be sued for sex trafficking* (June 28, 2021), JURIST, at www.jurist.org/news/2021/06/texas-supreme-court-rules-facebook-can-be-sued-for-sex-trafficking/ (visited Sept. 23, 2025).

32 Heidi Johnson, *Texas Supreme Court rules Facebook can be sued for sex trafficking* (June 28, 2021), JURIST, at www.jurist.org/news/2021/06/texas-supreme-court-rules-facebook-can-be-sued-for-sex-trafficking/ (visited Sept. 23, 2025).

33 Texas Supreme Court, *In re Facebook, Inc.* (625 S.W.3d 80). PDF link: <https://www.txcourts.gov/media/1452449/200434.pdf> Business Insider article: ‘Court Rules Facebook Can Be Liable for Sex Trafficking. . .’ <https://www.businessinsider.com/facebook-texas-supreme-court-ruling-sex-traffickers-section-230-2021-6>

34 Sarah White, *Court Blocks Lafarge Bid to Scrap Syria Crime Against Humanity Charge* (Sept. 7, 2021), REUTERS, at www.reuters.com/world/middle-east/court-blocks-lafarge-bid-scrap-syria-crime-against-humanity-charge-2021-09-07/ (visited Sept. 24, 2025); *Cour de Cassation, Poursvoi No. 19-87.040, Communiqué* (Sept. 7, 2021), at www.courdecassation.fr/decision/6137092ff585960512dfe638 (visited Sept. 23, 2025).

35 Al Jazeera, *Lafarge case uncovers French hypocrisy, say analysts* (Sept. 10, 2021), at www.aljazeera.com/news/2021/9/10/lafarge-case-uncovers-french-duplicity-hypocrisy-says-analyst (visited Sept. 22, 2025).



Exploring Legal Redress Available to Yezidi Boys Cyber-exploited by ISIS on Global Social Media

—continued from page 5

complicity in crimes against humanity.³⁶ This case sets a powerful precedent for corporate accountability even where direct participation in crimes is absent.³⁷

German courts have actively prosecuted returning ISIS members for crimes against humanity, including enslavement of Yezidi women.³⁸ These cases show the viability of national-level war crimes prosecution in domestic courts, particularly under universal jurisdiction principles.

In March 2022 the European Union passed the Digital Services Act, potentially exposing global technology and social media companies to significant fines if they fail to crackdown on hate speech, disinformation and harmful content.³⁹ The new act will force companies—such as Facebook, Google and Amazon—to police themselves

harder and make it easier for users to flag problems.⁴⁰ The new rules are designed to protect internet users and their “fundamental rights online” and should make tech companies more accountable for the content created by users and amplified by the companies’ platforms’ algorithms.⁴¹

In the United Kingdom, the 2023 *Online Safety Act* establishes significant new legal duties for digital platforms.⁴²

Iraq - In a positive step, Iraq’s 2021 *Yezidi Survivors Law* recognizes the harms inflicted on Yezidi, Christian, Turkmen, and Shabak communities and establishes reparations through monthly payments, access to healthcare, education, and resettlement support.⁴³ However, its implementation remains uneven, and it has yet to facilitate robust prosecutions of ISIS perpetrators or address the role of third-party enablers such as digital platforms.

Conclusion and Recommendations

The cyber-exploitation of Yezidi boys by ISIS stands as one of the most under-recognized dimensions of the group’s genocidal campaign. These children were not only abducted, indoctrinated, and forced into violence—they were also displayed to the world through digital propa-

—continued on page 7

36 Sarah White, *Court Blocks Lafarge Bid to Scrap Syria Crime Against Humanity Charge* (Sept. 7, 2021), REUTERS, at www.reuters.com/world/middle-east/court-blocks-lafarge-bid-scrap-syria-crime-against-humanity-charge-2021-09-07/ (visited Sept. 24, 2025); Natia Navrouzov, *France: Supreme Court Approves Charges Against Multinational Company Lafarge for Complicity in Crimes Against Humanity by ISIS* (Sept. 8, 2021), YAZDA, at www.yazda.org/france-supreme-court-approves-charges-against-multinational-company-lafarge-for-complicity-in-crimes-against-humanity-by-isis (visited Sept. 23, 2025); Amal Clooney, *Foreword*, in Nadia Murad, *The Last Girl: My Story of Captivity, and My Fight Against the Islamic State* (Penguin Random House 2017).

37 Natia Navrouzov, *France: Supreme Court Approves Charges Against Multinational Company Lafarge for Complicity in Crimes Against Humanity by ISIS* (Sept. 8, 2021), YAZDA, at www.yazda.org/france-supreme-court-approves-charges-against-multinational-company-lafarge-for-complicity-in-crimes-against-humanity-by-isis (visited Sept. 23, 2025).

38 Holly Johnston, *German court convicts ISIS woman of crimes against humanity for Yazidi enslavement* (Apr. 23, 2021), RÜDAW, at www.rudaw.net/english/world/230420211 (visited Sept. 23, 2025); Higher Regional Court (Oberlandesgericht) Munich (OLG München), Oct. 25, 2021, 8 St 9/18, at https://vstgb-datenbank.de/media/pdfs/CIS_Mustervorlage_JenniferW_deutsch_KB.pdf (visited Sept. 23, 2025).

39 Martin Harwood-Baynes, *New EU power to fine big tech billions in crackdown on hate speech, disinformation and harmful content* (Apr. 23, 2022), SKY NEWS, at <https://news.sky.com/story/new-eu-power-to-fine-big-tech-billions-in-crackdown-on-hate-speech-disinformation-and-harmful-content-12596633> (visited Sept. 23, 2025).

40 Martin Harwood-Baynes, *New EU power to fine big tech billions in crackdown on hate speech, disinformation and harmful content* (Apr. 23, 2022), SKY NEWS, at <https://news.sky.com/story/new-eu-power-to-fine-big-tech-billions-in-crackdown-on-hate-speech-disinformation-and-harmful-content-12596633> (visited Sept. 23, 2025).

41 Martin Harwood-Baynes, *New EU power to fine big tech billions in crackdown on hate speech, disinformation and harmful content* (Apr. 23, 2022), SKY NEWS, at <https://news.sky.com/story/new-eu-power-to-fine-big-tech-billions-in-crackdown-on-hate-speech-disinformation-and-harmful-content-12596633> (visited Sept. 23, 2025).

42 Dept. for Digital, Culture, Media & Sport & Nadine Dorries, *World-First Online Safety Laws Introduced in Parliament* (Mar. 17, 2022), GOV.UK, at www.gov.uk/government/news/world-first-online-safety-laws-introduced-in-parliament (visited Sept. 23, 2025); Ofcom, *The Online Safety Bill recently became the Online Safety Act, meaning it is now law* (Nov. 9, 2023), at <https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/online-safety-ofcom-role-and-what-it-means-for-you/> (visited Sept. 23, 2025).

43 Centre for Civilian Rights, *The Yazidi Survivors’ Law: A Step Towards Reparations for the ISIS Conflict* (May 11, 2021), at www.ceasefire.org/the-yazidi-survivors-law-a-step-towards-reparations-for-the-isis-conflict/ (visited Sept. 23, 2025).

Exploring Legal Redress Available to Yazidi Boys Cyber-exploited by ISIS on Global Social Media

—continued from page 6

ganda as trophies of conquest and tools of ideological warfare. ISIS's use of social media to glorify and normalize its abuse of Yazidi boys constitutes a modern mutation of child trafficking and slavery, one that operates simultaneously in physical and virtual spaces.

Despite widespread documentation, the international legal system has so far failed to provide meaningful redress for Yazidi child survivors. Existing justice mechanisms have been sluggish and limited in scope, focusing on individual prosecutions without fully addressing systemic enablers, including the digital infrastructure that facilitated these crimes. National prosecutions, where they occur, often sideline cyber-facilitated trafficking and rarely account for the unique harms inflicted on male victims. Meanwhile, social media platforms that hosted and amplified ISIS propaganda have largely escaped scrutiny or liability.

Nonetheless, emerging legal frameworks—such as the Genocide Convention's Article II(e) on the forcible transfer of children, recent universal jurisdiction cases in Europe, and domestic regulatory developments in the United States and United Kingdom—suggest a growing recognition of the need to hold all actors, including corporate entities, accountable for their role in atrocity crimes.⁴⁴ These developments offer an opportunity to reframe justice for Yazidi boys not only as a matter of criminal prosecution, but also of reparative justice, digital regulation, and long-term psychosocial support. ■

⁴⁴ *Genocide Convention*, art. II(e), supra note ____.

Neglected and Kept Vulnerable- Ezidis* as an Indigenous Group

By: Madlin Murad

One of the most comprehensive documents on the rights of Indigenous Peoples is the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Article 3 of UNDRIP declares that “Indigenous peoples” have a right to self-determination and in virtue of this right, they freely determine their political status and freely pursue their economic, social and cultural developments.¹ As I will show in the following paragraphs, the guarantees of this Article have never been materialized for Ezidis. Instead, the continued dispute between the Iraqi and KDP governments over the ownership of Shingal has obstructed the realization of every right outlined in Article 3. Their fight over the territory of Shingal rather than the protection of its people has left Ezidis alone in a survival/defensive state against increasing hatred, discrimination, threats, and attacks as there is no commitment to their safety or security which is

a prerequisite to pursuing every other right. For the past 11 years, Ezidis have been living in refugee camps, while 2600 while women and girls are still captive with no plan having ever been made to rescue them, no ISIS member in Iraq has been charged with crimes of Genocide against Ezidis, and Shingal is still in ruins. For the past decades the safety of Ezidis has been greatly overlooked.

Clear Signs and Continued Neglect for the Right to Safety and Security

Prior to the 2014 Ezidi Genocide, there were constant identity-based attacks against Ezidis signifying serious need for specialized security measures which never materialized. Many of groups neighboring Shingal (Ezidi's historical and current homeland) held beliefs that Ezidis were infidels worshipping evil. They weaponized this false belief and turned it into identity-based targets against Ezidis in Iraq where religion for most people came first. In 2007 a bus that had Ezidis, Christians, and Muslims on board was stopped by gunmen from neighboring towns who shot and killed the 23 Ezidi passengers after confirming their iden-

* Ezidis can also be spelled Yazidis, Yazidis and Izidis among other spelling variations.

¹ United Nations General Assembly, *United Nations Declaration on the Rights of Indigenous Peoples*, 2007, https://www.ohchr.org/sites/default/files/Documents/Publications/Declaration_indigenous_en.pdf

—continued on page 8

Neglected and Kept Vulnerable- Ezidis as an Indigenous Group —continued from page 7

tity while letting the Muslims and Christians go.² This was among many such attacks that signified serious risks to the safety of Ezidis but the attacks were labelled as terrorist attacks rather than hate crimes.

Such attacks warranted the need for more strict security for Ezidis but the crime was undermined by labelling it as terrorism. Security was not reinforced for Ezidis making many of us feel unsafe and unfree to travel to many areas in Iraq like Mosul. Hatred and targeted crimes against Ezidis ultimately led to the 2007 bombings of two Ezidi towns. Tanks that were full of explosives had passed security checkpoints and crossed into Ezidi towns, Siba Sheikh-Kheder and Tel Azer, leading to the death of over 700 Ezidis and injury of hundreds. This atrocity once again warranted the need for better security maybe reformed security but again that attack was labelled terrorism despite increasing hatred that Ezidis faced leading up to the attack. Once again, the danger to the safety of Ezidi was left unresolved.

The unaddressed hatred, discrimination, and hate crimes inevitably led to the 2014 Ezidi Geocide, as evident by the participation of the groups surrounding Ezidi towns in the attacks, slaughter, and enslavement of Ezidis. At the onset of this Genocide *Ezidis* were once again abandoned by the security forces. More critically the Kocho village was under the siege of ISIS for two weeks during which its people were pleading for help that did not arrive. ISIS killed and kidnapped every last person in the village.

Thus, the dismissive approach to Ezidi safety, security, and right to life has no doubt contributed to boldness of the attacks against Ezidis over time. Ezidis have been failed and abandoned numerous times at the cost of thousands of lives and an entire “peoples” future to a home, to safety, and protection against hatred and discrimination.

The Current Reality

Security and inclusion

On the ground, Shingal is still not rebuilt or resourced for people to go back. More critically, there is no sustainable or

trusted security which prevents many people from going back. Security, this time must be reformed, include Ezidis at the front ranks, and be committed not to *territory* but the safety of Ezidis themselves. However, despite the need for Ezidi inclusion, when the KDP and Iraqi government passed the unpopular Sinjar Agreement, they did not involve Ezidis which drew sharp condemnation from Ezidis. This disregard for the involvement of Ezidis, in matters that directly affects Ezidis, is not new, it is a continuation of the two governments’ previous dismissive approach to Ezidis. Such tactics not only hinder the betterment of the lives of Ezidis, but they have also always made Ezidis feel unrepresented.

Support

In terms of resources, no reparations have been made to families whose breadwinners were executed by ISIS and have no one to support them in a place with no work or businesses. When ISIS attacked Shingal they executed thousands of men and boys who were the breadwinners for them families. In order for them to make a living they travelled to other provinces in Iraq often for a month or a few months at once, because there was no work in Shingal, where most Ezidis lived. Now the widows, elderly parents, and orphans in Shingal have no breadwinners or work to make a living. Many live in collapsed homes, and they can barely afford living necessities with most being at the mercy of aid from their equally poor Ezidi neighbors.

Captivity and its Continued Effects

Ezidi women who suffered years of sexual slavery, torture, and captivity, return not to a home but to tents in IDP camps. In addition to this being a degrading treatment for Ezidis especially those coming directly from captivity, it is also not conducive to healing. Many survivors suffer from serious physical injuries, that were inflicted on them while in captivity, making it difficult to do basic activities like walking, or doing physical work. Many have amputated body parts, and many cannot pay medical costs for surgeries and medications they desperately need. It is humiliating when we have to accept the rhetorics that Ezidis have been saved when this is the reality and when despite all pleas we have not been seen any serious governmental attempt for the liberation of over 2600 Ezidi women and girls still held in captivity, many in known and close areas like in the Al-Hol camp.

² “Gunmen Kill 23 Members of the Yazidi Minority in Iraq,” New York Times, April 22, 2007 <https://www.nytimes.com/2007/04/22/world/africa/22iht-web-iraq22.5391913.html?smid=url-share>

Neglected and Kept Vulnerable- Ezidis as an Indigenous Group —continued from page 8

Explicit/Tacit Acceptance of free-flowing Hatred and Crimes Against Ezidis

In 2023 Mullas from Kurdistan accused Ezidis of having burned a mosque. Hate speeches against Ezidis skyrocketed following the false accusation, some threatened they would use machine guns and shoot Ezidis in IDP.³ The accusation was later confirmed to be false, but there was no condemnation against those issuing the damaging accusations despite the fear it caused among Ezidis in camps.

The same thing happened in 2024 at the commemoration of the Ezidi Genocide when Ezidis were grieving. Over half a million hate messages and threats were posted online by individuals mostly from Kurdistan but also other parts of Iraq. Among them were doctors, professors, members of security forces, and Mullas who called for more genocides and violations against Ezidi women. Similarly, when an Ezidi girl was freed from captivity in 2025 we again saw people making derogatory and dehumanizing comments on social media glorifying ISIS and their crimes against Ezidi women. The lack of condemnation for this level of hatred is shocking but also signifying the tacit acceptance of those in power for the hatred and threats being made against Ezidis. This two governments dismissiveness of the hatred has made those issuing hatred and calling for more crimes against Ezidis get bolder and feel righteous at dehumanizing Ezidis.

Justice for All but the Ezidis

Of the worst injustice that Ezidis feel is that for the past 11 years these has not been any solid governmental efforts to rescue the 2600 captive Ezidis. This is despite the fact the whereabouts of many of them is known, close to Iraq and contained, the Al-Hol camp in Syria.⁴ As reported by Amnesty International, “There is currently no system or organized way to engage with the authorities about missing Yezidis.”⁵ In addition to being ignored by

the authorities in Iraq, the Ezidi captives are also ignored by the international community and the UN.

Even though the UN Charter starts with “with the peoples”⁶ it is for states and the groups supported by their states, which would exclude groups like Ezidis who as shown are ignored and unsupported by their governments. For example, we saw this disregard taking place when UNITAD dismantled its mission of exhuming mass graves of Ezidi victims despite the Ezidi community’s plea that they continue their work. We are once again seeing privileged treatment given to perpetrators as expressed by Iraq’s government in its organization of the High-Level International Conference on the Repatriation of Persons from Al Hol, Surrounding Camps and Places of Detention.⁷ For the past 11 years Ezidis have been begging for such actions to in save the captive Ezidis. However, no such conference was organized for them despite Amnesty International reporting that “Hundreds of Yezidi women and children are believed to be in Al-Hol detention camp.”⁸ Also, Ezidi survivors including those being freed from captivity have live in under resourced IDP camps in Northern Iraq, most since 2014. Thus, the focus of this Conference once again shows that Ezidis, their rights and concerns come last. This is a sentiment shared by most Ezidis.

Another injustice against Ezidis is shown through the justice system. We see Ezidi men being arbitrarily arrested and charged with death penalties and life sentence solely based on accusations made by Arabs in the area and without due process. However, not a single ISIS member has been changed for crimes of Genocide against Ezidis. Ezidis perceive this as saying that the crime of genocide inflicted on them are not condemned. For the perpetrators the message is clear, that of all the crimes that they perpetrated against Ezidis can be overlooked. ■

3 https://x.com/zidan_yezidi/status/1655182642747244545

4 “Syria: Yezidi survivors of Islamic State atrocities abandoned to indefinite detention in north-east Syria,” Amnesty International, July 31, 2024, <https://www.amnesty.org/en/latest/news/2024/07/syria-yezidi-survivors-of-islamic-state-atrocities-abandoned-to-indefinite-detention-in-north-east-syria/>

5 [Ibid.](#)

6 Charter of the United Nations, <https://www.un.org/en/about-us/un-charter/full-text>.

7 “High-Level International Conference on the Repatriation of Persons from Al-Hol, Surrounding Camps and Places of Detention,” Republic of Iraq, September 25, 2025 https://www.un.org/counterterrorism/sites/www.un.org.counterterrorism/files/20250926_-_in_conference_final_eng_chairs_summary_hlc.pdf.

8 “Syria: Yezidi survivors of Islamic State atrocities abandoned,” Amnesty International.

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International Law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples

By: Catherine van Kampen, Editor

Tell us where you are from and how did you get involved with both law and anthropology

I was born and raised in Krakow, Poland, when Poland was under Soviet-imposed communism. Life seemed grey, sad, and hopeless. My parents were not communist party members; both were university-educated, and we came from the wrong social class (my grandfather was a judge), so my career opportunities were limited despite my being an A+ student. To be free from political indoctrination and control, I decided to study archaeology — the communist government did not care much about ancient history, but I found the topic fascinating. If I were growing up in the US, I would have chosen to study physics or astronomy, as I love science, or maybe I would have studied medicine; I think I would make a good diagnostician.

When I was in the third year of my undergraduate studies at Jagiellonian University in Krakow, something unexpected happened: I received a fully funded scholarship from Emory University. That changed my life. That opportunity came about by chance, and I ran with it.

I arrived at Emory a few months later, tri-lingual but with barely any English, and determined to make the most of that unexpected opportunity. I had a few weeks before classes started, so I spent most of that time sitting in my dorm room and memorizing thousands of English words daily. The first day of the classes arrived and I went in horrified. But I understood almost the entire lecture! I continued taking notes in Polish for several more months, but eventually, I was able to take notes in English as well.

I am still proud of that first year in the US. I learned to speak English, got As in my courses and seminars, completed my MA in Latin American history, and wrote my thesis in English; I even won “The Best Graduate Student” award that year. And then, martial law was suddenly introduced in Poland. I could not go back to Poland and had to stay for many years until Poland threw off the communist rule for good many years later. So what was planned as a one-year trip to get my master’s degree turned into another life altogether.

I applied to several universities for a PhD program, was accepted, and received scholarships, without which I would not have been able to stay in the US. I chose UCLA, among several schools to which I was admitted. I completed my doctorate at UCLA, focusing on evolutionary theory, biological anthropology, and archaeology. I loved UCLA and the entire UC system, its excellent faculty, and the breadth of courses and intellectual and cultural offerings.

For my doctoral thesis, I examined the economic foundations of social complexity and the emergence of early complex societies in the Andean region.¹ At that time, it was hypothesized that these early complex societies, which emerged in Peru around the third millennium BCE, did so based on exploitation of maritime resources, a development which was unique and quite different from the emergence of complex societies elsewhere in the world which appeared on a basis of agriculture (e.g., Egypt, Mesopotamia, China). I set out to test this maritime hypothesis using formal mathematical modeling. To collect the data needed to assess the model, I directed a large, multi-disciplinary and multi-year research field project in Peru.

I also traveled extensively in Peru and around. That allowed me to meet many Indigenous peoples of the coastal deserts, the Andean valleys, the Altiplano, as well as the Amazonas, firsthand. I was touched by their humanity and horrified by their poverty and marginalization. Worst yet, I observed firsthand the continued mistreatment of these people by the state officials, fueled by centuries of colonialism and attitudes of superiority among white elites. In some villages where I worked, tiny one-room school buildings stood empty; no kids made it to the school-going age. Most women had multiple kids, but only some survived. These women were biologically exhausted; they worked all day in the fields and at home from early childhood. Few had access to proper medical care, proper nutrition; giving birth itself was dangerous,

—continued on page 11

1 Zechenter, Elizabeth M. “Looking back at Proyecto PARAISO: Why it Still Matters,” *Contributions in New World Archaeology*, 17: 35–55, 2024 <https://cnwa.journal.uj.edu.pl/documents/154029443/155291550/3.+Looking+back+at+Proyecto+Paraiso+why+it+still+matters.pdf/24f6797a-3fec-4932-8f68-d99340bc2443>

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples —continued from page 9

and not all women made it. I remember one such woman who worked for our project. She was in her late thirties, maybe early forties, very tiny, seemed malnourished, and she already had several pregnancies. We were worried about her health and gave her paid “maternity leave” so she could rest. Her husband took the money and made her go to work in the fields anyway (although not at our project, as she had paid leave). Luckily, she had a healthy child, and both survived. Moreover, unlike local men who were mostly bilingual, many of these women did not speak Spanish (only their Indigenous language), which further limited their chances for education or employed beyond home.

After completing my doctoral studies, receiving my degree, and teaching for a while, I realized that I wanted to be more involved in real life. Hence, I decided to study law. While an exciting academic career in the social sciences was open to me, I felt that in the US, lawyers play an outsized role in society, and that if I wanted to effect change, I needed to be a lawyer, not just a social scientist or an academic. Latin America was democratizing; changes were happening in Eastern Europe. I wanted to be part of these processes of democratization. Furthermore, I wanted to get involved with human rights.

With my JD in hand, I was fortunate to be hired by the Hogan Lovells law firm, and I became involved in various international projects. I traveled extensively again and became involved in numerous projects to modernize various ex-Soviet bloc countries, as well as similar projects in Latin America. Hogan also had an extensive *pro bono* department, and I became involved in human rights immediately. I advised Nigerian clients in their asylum case; provided legal advice to the Guardian Ad Litem to a minor Jamaican girl who applied for US asylum after years of sexual and other abuses suffered when in the custody of US citizens; and worked with the Committee for Human Rights on the El Salvador Amnesty Law and its compatibility with the international treaty obligations. I drafted a position paper on the validity of that law for use by the Inter-American Court for the Organization of American States.

One of my most memorable successes was representing a young Ethiopian woman who came from the minority Oromo Indigenous group, girl who was raped and brutal-

ized by the local government officials from the dominant ethnic group yet had been denied US political asylum. In those days, US law treated rape as a private crime and not as grounds for gaining political asylum. I assembled an extensive data set to show that mass rapes were a tool of war in that area and that these were not private crimes. My anthropological training and testimonies from my fellow social scientists were fundamental to the case. On appeal, I won asylum for her even though rape and gender-based violence are more challenging to prove and are afforded lesser levels of legal protection than other forms of political violence.

How did you get involved in legal issues concerning the human rights of Indigenous peoples?

My fieldwork in Peru and my travels through Latin America, Asia, and Africa exposed me to many Indigenous peoples. Working at Hogan Lovells allowed me to get involved in *pro bono* work. Representing that young Oromo woman and winning her case was not only rewarding, but it made me feel that I could make a difference, at least for one person. I also got exposed to the Oromo people, a large Indigenous ethnic group in Ethiopia and parts of Kenya (recognized as an Indigenous society by the Unrepresented Nations and Peoples Organization).² Oromos are native to the Horn of Africa and have deep historical, cultural, and linguistic roots in the region. One of the many fascinating aspects of the Oromos is their Gadaa system, a governance structure based on age-based leaders who assume positions of leadership in cycles. One can see Gadaa as reflecting principles of democratic governance and conflict resolution, principles that are native to the Oromos and not imposed by Western culture.

That led me to become involved with the Human Rights Commission of the American Anthropological Association’s (AAA), where, among many things, we advocated for various Brazilian tribes in the Amazonas whose lands were being invaded and who were being effectively exterminated by the invading settlers. We tried to intervene in cases of clusters of mass suicides among Guarani-

—continued on page 12

2 <https://unpo.org/member/oromo>

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples —continued from page 11

Kaiowá Indigenous people, who chose to commit suicide rather than to face continued violence and abuses perpetrated on them. It was tragic, and while we did everything we could, it was simply not enough.

At the same time, it was also amazing to observe how various Indigenous groups began self-organizing, applying modern technology to protect their lands, and electing effective female leaders who advocated for their rights in Brasilia, among other initiatives. And that taught me a lesson: solutions that are approved by local people, even better, solutions that are designed by them and welcomed by them, are often the ones that outperform the initiatives of well-meaning but less informed international humanitarian groups.

Why do you advocate for a multidisciplinary approach when dealing with the human rights of Indigenous peoples?

Laws are not merely instruments of governance; they are reflections of values, knowledge and should be based on an understanding of human complexity. When it comes to Indigenous peoples, whose histories, cultures, and relationships with the land often differ significantly from dominant societal norms, it becomes especially vital to ensure that laws are grounded in ethics, anthropology, history, and science. Equally, it is also important not to essentialize Indigenous peoples and assume that they do not share many of the accepted norms that are seen as “Western.” Centuries of colonial rule resulted not only in the loss of land and sovereignty for most Indigenous groups, forced displacement, disruption of traditional ways of life, but also in cultural suppression or outright erasure, marginalization, and exploitation. It left them with unhealed cultural traumas and other dysfunctions. Therefore, it is essential to acknowledge history and ensure that laws are not only just and equitable but also informed by history and supported by the Indigenous people themselves.

We have numerous examples of good intentions that have gone awry when it comes to human rights in non-Western societies. The modern system of human rights is relatively new, having been established after World War II. Although it was not perfect and had various flaws, it was a revolutionary development. For one, it recognized fundamental

rights for all humans regardless of the accident of their birth or culture. It also outlawed state aggression, created a treaty network, and established a system of international courts.

Yet, from the start, many, including the American Anthropological Association (AAA), were opposed to the very idea of universal human rights. In 1947, as the UDHR was being drafted, UNESCO invited the AAA to submit an advisory opinion. The AAA's Executive Board wrote a response (authored primarily by anthropologist Melville Herskovits, the AAA's president at that time); that response was deeply critical of the very idea of universal human rights, seeing universal rights as an imposition of Western values on non-Western societies.³ The UDHR was essentially seen as a tool of cultural imperialism and undermining Indigenous and non-Western traditions. The AAA's early critique of UDHR sparked a long-standing debate between universalism and relativism in human rights discourse.

Can you explain what cultural relativism and universalism are and how they matter for Indigenous societies?

Universalism is well characterized by a statement made by the Roman playwright Terence in the second century BCE: “I am human, and nothing human is alien to me.”⁴ In contrast, cultural relativism was well described by anthropologist Renato Rosaldo, who in 1984 wrote, “My own group aside, everything human is alien to me.”⁵

Until World War II, the protection of human rights of individuals was seen as a sovereign prerogative of the state, a domestic rather than an international concern. The atrocities of WWII provided the impetus to change that. In the ensuing discussion, most scholars and politicians agreed

—continued on page 13

3 American Anthropological Association. (1947). *Statement on human rights*.

4 Terence (Publius Terentius Afer), the second century BCE, *Heauton Timorumenos (The Self-Tormentor)*.

5 Renato Rosaldo inverted Terence's quote in his influential essay “Grief and a Headhunter's Rage” published in 1984, to critique the limitations of traditional anthropological commitment to cultural relativism. Rosaldo's essay was later republished in his 1988 book, *Culture and Truth: The Remaking of Social Analysis*. Boston: Beacon Press.

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples —continued from page 12

that individuals are far too vulnerable to be left at the total mercy of domestic legal systems and that they require more protection against the abuses they suffer at the hands of the state. That was based on the principle of universality, which asserts all humans are created equal and deserve basic protection, regardless of the culture they are born into. This understanding led to the creation of the United Nations and the modern system of international human rights treaties, treaties that all nations have ratified. All of them reflect these universalist notions. For example, the Charter of the United Nations reaffirmed a “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women” (United Nations Charter, Preamble, 1945) and stated that the goal of the United Nations is to promote universal respect for and observance of human rights and fundamental freedoms for all without distinctions of race, sex, language, or religion (United Nations Charter, Articles 1(3) and 55). Support for universal human rights is generally based on three major jurisprudential theories: the natural law theory, the theory of rationalism, and the theory of positivism, all of which can be criticized as insufficiently diverse and somewhat Western-culture-biased.⁶ And while there is an element of truth to these critiques, and while humans produced a myriad of cultures with a myriad of customs, there is also an underlying biological and evolutionary unity of all humans, even if that unity is mediated by culture and local customs.

Cultural relativism was initially a reaction against colonialism, eugenics, the mistreatment of Indigenous peoples, and the ethnocentric assumptions of nineteenth-century science, which glorified Western societies and diminished the achievements of non-Western cultures. Nineteenth-century scientists saw human evolution as a progressive change from the “primitive” to the “advanced.”⁷ Although they understood, more or less correctly, the basic scheme of socioeconomic evolution of human societies (which is, in fact, characterized by a change from foraging to the

adoption of agriculture and the emergence of tribes, chiefdoms, and states), they erroneously incorporated extraneous value judgments into that scheme. They assumed that modern societies were more “advanced” than the hunting-gathering groups, for example.⁸ More careful ethnographic research demonstrated that these assumptions were incorrect: evolution is, in fact, a process of change, but it is not a progressive or directed one. Yet, these concepts of superiority and “progress” were often used to justify slavery, oppression, and colonialism of non-Western societies.

I was critical of both approaches, progressive universalism and strong relativistic claims, and their implications for human rights, especially for the rights of women and other most marginalized persons within Indigenous/non-Western societies. I argued for a more nuanced approach.⁹ Relativism was often used in justifying harmful cultural practices like wife beating, violence, female genital mutilation, child marriage, or honor killings under the guise of “respect” for local culture, all the while disregarding dissenting native voices that opposed these practices within these very societies. It also disregarded the power dynamics within non-Western cultures. It failed to examine how and why some individuals are granted authority to determine what their “cultural” values are, while others have no such say. Upon more careful examination, it was often colonially-created elites or Western religions that enforced such harmful norms, while many Indigenous peoples advocated against them. Moreover, a substantial number of Indigenous societies were egalitarian, some were matrilineal and matrilocal, and many engaged in traditional cultural practices that were democratic in nature (see the Oromo custom of Gapaa, described above). The values expressed in the UDHR and other human rights instruments are not exclusively Western, after all.

Anthropologists and human rights advocates needed to strike a balance between respecting cultural diversity and protecting the dignity and freedom of marginalized individuals within these societies, recognizing that even the

—continued on page 14

6 I have outlined these arguments in Elizabeth M. Zechenter, “In the Name of Culture: Cultural Relativism and the Abuse of the Individual,” *Journal of Anthropological Research*, 53(3): 273-347, 1997. You can read this paper on Academia.edu

7 Herbert Spencer, *The Principles of Sociology*. London: Williams and Norgate, 1902.

8 Johnson, Allen & Timothy Earle. 2000. *The evolution of human societies: From foraging group to agrarian state* (2nd ed.). Stanford University Press.

9 Elizabeth M. Zechenter, *ibid*

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples —continued from page 13

most egalitarian cultures are heterogeneous and diverse in their views. Universal human rights norms—such as protection from torture, slavery, violence, and discrimination—should not be sacrificed in the name of cultural tolerance, and neither should they be used to undermine the survival of Indigenous groups.

After intense debate, anthropologists began to recognize that universal human rights laws are essential to the very survival of Indigenous and marginalized communities, as these are precisely the groups that need these protections. In 1999, the AAA Committee for Human Rights finally issued the Declaration on Anthropology and Human Rights, affirming the ethical responsibility of anthropologists and researchers to defend human rights.¹⁰ Anthropologists like Terence Turner, with whom I had the pleasure of working at the AAA Human Rights Commission, began to help Indigenous groups draft legal petitions, assert land claims, and actively claim protection of the universal human rights guaranteed to them by the UDHR.

To summarize, cultural universalism holds that specific values and rights (e.g., human dignity, freedom, equality) are universal and that all humans are entitled to them. On the negative side, universalism can be used to perpetuate colonialism under the guise of progress. But that form of progressive universalism has been largely discredited. The argument that universalism imposes Western values on others was previously more frequently advanced. However, data show that many Indigenous societies exhibit or hold many such values, and many values are de facto universal. According to relativists, on the other hand, a person can only exist within the context of their own culture; therefore, no universal moral standards can ever apply to them. AAA promoted the ideas of such relativism in an effort to increase tolerance and understanding of other cultures, to lower the stigma of being a member of a “primitive” society. Relativism, however, raises serious ethical and philosophical concerns, among them, it allows us to tolerate abuses perpetrated by non-Western cultures against their own members, and in practice hinders efforts to protect these vulnerable populations. Today, most scholars would agree that while we need to respect each culture, we must

balance it with a commitment to protect human dignity and human rights.

In Conclusion

We have just celebrated the 77th anniversary of the UDHR. Yet we are seeing a worldwide resurgence of anti-universal sentiments when it comes to human rights coupled with growth of various intolerant ideologies. Most of the proponents of these ideas instrumentalize science (be it biology, history, or anthropology) or religion to justify their calls to control over Indigenous peoples and/or Indigenous women and to deny them full humanity. They ignore inconvenient data, dismiss scientific findings and conflicting cultural views, and try to capitalize on the existing power structures. They ignore the fact that Indigenous peoples interpret their own cultures, customs, and religions differently from these hard-core ideologues. These growing movements undermine global norms of equality, dignity, and freedom for all. They also undermine the entire existing international system of global human rights for all, so beautiful anchored by the UDHR.

There is an urgent need to stop the beating drums of ignorance, over-simplification, violence, and intolerance looming over the horizon. Majority of anti-universal human rights claims are uninformed and are reducing human complexity into soundbites and slogans. Humans are complex bio-cultural species; there is always variance upon which evolution operates, and Indigenous societies are not some relics frozen in the past but growing and evolving, like any other society. They need to be respected and listened to (while paying attention to those who have been marginalized within these societies as well).

Where can we find your work, and how can people contact you?

I am currently a visiting scholar at Emory University. I focus my work on the intersection of law and evolutionary theory, social science, and anthropology. I am a frequent public speaker on these issues. I strive to connect scholars and activists across countries and organize various seminars on human rights; I also lecture and deliver invited talks. Last year, I was a visiting professor at the University of Warsaw. My primary focus remains on the

¹⁰ American Anthropological Association. (1999). *Declaration of anthropology and human rights*.

Interview with Dr. Elizabeth M. Zechenter, Anthropologist, International Law Attorney, and Human Rights Advocate, on the Human Rights of Indigenous Peoples —continued from page 14

theoretical foundations underlying the international human rights regime, particularly in light of human evolution, as well as on the human rights of women, including those of Indigenous women. I am also becoming more involved with issues of AI and how to ensure that we can

maintain human rights when algorithms promote division and outrage, while engaging in mass propaganda, denial of science, and spread of deleterious disinformation. You can contact me at elizabeth.zechenter@emory.edu and see my work at Google Scholar or Academia.edu. ■

The Salt of the Barren Womb: Reclaiming the Stories of Sterilized Inuit Women

By Sophia Murashkovsky Romma, Ph.D., Esq.

Prologue: The Archival Metaphor of Salt

Salt lingers on the tongue like memory in evidence—sharp, unyielding, and inescapable. It is the taste of immeasurable grief, crystallized in tears, embodying the terrifying longing born of absence. To speak of the barren womb in this context is not a biological descriptor; it is the legal and spiritual label for the rupture of lineage, the intentional silencing of future voices. The Inuit woman's body becomes the archive of colonial violence, its salt a permanent crystallization of that which was unapologetically violated: the fertile seed permanently annihilated, the ancestral future revoked. Yet, salt preserves. In its crystalline form, memory resists the dissolution of history. The salt of barren wombs bears and retains witness to an attempted erasure. It speaks volumes of denial and demands a legal reckoning. The Salt of the Barren Womb is not a requiem; it is an invocation—a demand for justice against histories of reproductive violence and a call to testify, to remember, and to repair. Anthropologists have long noted salt as both preservative and ritual substance, crystallizing memory against the erosion of time.¹

Among Inuit women in Canada, the barren womb was not a natural scarcity but a wound fashioned by state policy and medical practice. In sterile surgical theaters, under the grotesque guise of medical authority, women were stripped of their humanity, severed from the generative arc of their communities.² Their bodies were contested

battlegrounds, where colonial institutions wielded the scalpel and the decree. What perished was not solely the right to bear children, but the thread of ancestry, the pulse of belonging, and the continuity of cultural heritage itself.³ In Inuit cosmology, the act of reproduction is cosmological: the womb is a sacred trust linking ancestors, spirit, and the natural world.⁴ To sever it is to commit spiritual and ancestral severance.⁵

Historical, Legal, and Forensic Framing

From the early twentieth century, reproductive control in Canada was legally codified. Provincial Sexual Sterilization Acts in Alberta (1928) and British Columbia (1933) established *de jure* (by law) mechanisms to sterilize individuals deemed “unfit,” disproportionately targeting Indigenous peoples (Inuit, First Nations, and Métis) often through coercion and without informed consent.⁶

Although these formal eugenic statutes were repealed by the 1970s, the logic of reproductive control persisted. The violation transitioned from being *de jure* to *de facto* (in practice) medical abuse. In federally operated “Indian hospitals”

—continued on page 16

1 Bloch, Maurice. *Symbols, Song, Dance and Features of Articulation*. Royal Anthropological Institute, 1974.

2 Senate of Canada. *The Scars That We Carry: Forced and Coerced Sterilization of Persons in Canada*. Ottawa: Standing Senate Committee on Human Rights, 2022.

3 Stote, Karen. *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women*. Black Point, NS: Fernwood Publishing, 2015.

4 Laugrand, Frédéric & Oosten, Jarich. *Inuit Shamanism and Christianity: Transitions and Transformations in the Twentieth Century*. McGill-Queen's University Press, 2009.

5 Saladin d'Anglure, Bernard. *Being and Becoming Inuit in Canada*. UBC Press, 2012.

6 The Canadian Encyclopedia – ‘Sterilization of Indigenous Women in Canada’ <https://thecanadianencyclopedia.ca/en/article/sterilization-of-indigenous-women-in-canada>

The Salt of the Barren Womb: Reclaiming the Stories of Sterilized Inuit Women —continued from page 15

and mainstream medical centers, women were sterilized under loose oversight, frequently lacking adequate consent processes, interpreters, or culturally safe care.⁷

The practice was not confined to history. Allegations of coercive or forced sterilization resurfaced throughout the 2000s and 2010s. For example, a 2017 external review in Saskatchewan documented at least sixteen Indigenous women reporting tubal ligations performed under duress between 2005 and 2010.⁸ These cases ultimately mandated broader investigations by the Senate and public human rights bodies.⁹

The Senate's 2021 report conclusively found the practice to be "under-reported, ongoing, and disproportionately affecting Indigenous women and other vulnerable populations."¹⁰ Crucially, the Senate promulgated key recommendations, including the criminalization of non-consensual sterilization and legislative redress for survivors.¹¹ Moreover, reports from Quebec indicate sterilizations were coerced on Inuit women as recently as 2019.¹²

These testimonies confirm that the barrenness was not natural, but mandated, constituting a sustained, racialized practice of reproductive control embedded within medical structures and implicating racialized power and systemic disregard for Indigenous sovereignty.

Transnational Reproductive Genocide: The Spiral Campaign

This Canadian context finds a grim parallel in the transnational legal and human rights violation that unfolded in Greenland: the so-called Spiral Campaign.

In the blanched tundra of the North, the womb was invaded under the banner of "population control." From 1966 to 1975, the Danish government sanctioned a mass campaign of forced Intrauterine Device (IUD) insertions in Greenland, targeting Inuit girls and women as young as 12. These procedures were executed without informed consent, often during routine medical exams.¹³ By the end of the campaign, over 4,500 women and girls had IUDs forcibly implanted, resulting in infections, infertility, and decades of silent trauma.¹⁴

The political logic binding the Canadian sterilizations and the Danish Spiral Campaign is chillingly consistent: Indigenous reproduction was treated as a demographic liability. Officials in both nations feared rising birthrates would impede state development and economic 'rationality.' Fertility was rebranded as a statistical problem to be solved, not a fundamental right to be protected. Medicalized control of Inuit women's bodies was framed as 'care' but constituted a clear act of coercion and violence.

In legal terms, both the widespread, systemic sterilization in Canada and the forced mass contraception campaign in Greenland may be examined under Article II(d) of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide, which explicitly includes "Imposing measures intended to prevent births within the group."¹⁵ The Canadian Senate's 2022 report formally recognized that this practice constituted a violation of fundamental human rights.¹⁶ In Greenland, over 143 women have filed a lawsuit against Denmark demanding compensation and recognition for decades of reproductive trauma.¹⁷

—continued on page 17

7 Stote, Karen. *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women*. Fernwood Publishing, 2015.

8 External Review: Tubal Ligation in the Saskatoon Health Region, 2017.

9 Senate of Canada, Forced and Coerced Sterilization of Persons in Canada, 2021 interim hearings.

10 Senate Committee report, 2021.

11 Ibid., recommendations for criminalization and redress.

12 Nunatsiaq News (2022): 'New report sheds light on forced sterilizations of Inuit women in Quebec'.

13 https://en.wikipedia.org/wiki/Spiral_case (last visited September 26, 2025).

14 BBC News – original link expired. The Guardian – 'Europe forced sterilization coverage' (alternative topic source) <https://www.theguardian.com/world>

15 This is a direct reference to the UN Convention on the Prevention and Punishment of the Crime of Genocide, Article II(d).

16 <https://sencanada.ca/en/info-page/parl-44-1/ridr-the-scars-that-we-carry-forced-and-coerced-sterilization-of-persons-in-canada-part-ii/> (last visited September 26, 2025).

17 <https://www.abc.net.au/news/2024-03-04/indigenous-women-greenland-sue-denmark-involuntary-contraception/103544786> (last visited September 26, 2025).

The Salt of the Barren Womb: Reclaiming the Stories of Sterilized Inuit Women —continued from page 16

Call for Remedial Justice

In Inuit cosmology, the womb is a mystical, cosmological vessel, a site where the spirits of ancestors and creation converge. Life is resurrected through the return of ancestors, as breath made bone. To invade this sacred space is not just medical malpractice; it is spiritual severance and the theft of lineages. The salt in the wound becomes the enduring metaphor for desecration and the stubborn preservation of evidence.

Today, the echoes of this violence demand more than acknowledgment. While the Canadian government offered an apology to a select group of victims in 2019, legal accountability remains elusive.¹⁸ The following tangible steps must be taken by states and societies to deliver restorative and remedial justice:

1. Official Government Apologies and Reparations:

Denmark and Canada must issue unconditional apologies, acknowledging this violence not as a policy failure but as a systemic violation of Indigenous human rights and sovereignty. Compensation must be established and dispensed through an accessible and trauma-informed framework.

18 The Guardian – 'Canada Indigenous women were coerced into sterilisations, lawsuit says' <https://www.theguardian.com/world/2017/oct/27/canada-indigenous-women-sterilisation-lawsuit>

Additional sources:

International Journal of Indigenous Health – 'Forced or Coerced Sterilization in Canada: An Overview' <https://jps.library.utoronto.ca/index.php/ijih/article/view/33369>

Senate Report – 'Forced and Coerced Sterilization of Persons in Canada' https://sencanada.ca/content/sen/committee/432/RIDR/Reports/RIDR_ForcedSterilization_e.pdf

Native Women's Association of Canada – 'Forced Sterilization of Indigenous Women (Expert Forum Summary Report)' <https://nwac.ca/assets-knowledge-centre/NWAC-Expert-Forum-Forced-Sterilization-Summary-Report-March-25-2019-FINAL.pdf>

2. Legislative Prohibitions and Criminalization: Laws must be immediately passed to explicitly criminalize non-consensual sterilization (the Senate's recommendation) by defining the necessary *mens rea* (criminal intent) and eliminating all remaining legal ambiguities that enable coercion in medical settings. Hospitals must adopt culturally responsive and Inuit-led consent protocols.

3. Independent and Forensic Investigations: An independent, Inuit-led review body must be empowered with full judicial authority to investigate all cases, past and present, to establish a definitive factual record and enforce legal accountability against individuals and institutions.

4. Cultural and Spiritual Restitution: Funding must be dedicated to supporting traditional Inuit healing practices, storytelling, and ceremonies designed to address collective, intergenerational trauma and restore community balance.

5. Global Legal Recognition: International human rights bodies must formally recognize these cumulative acts of state-sanctioned reproductive violence against Inuit women as constituting a form of cultural and reproductive genocide under international law.

The perpetrators ignobly attempted to puncture the future with spirals of foreign metal, but the women remember. The ancestors recall the historical truth and shall never forget. The world must remember as well—so that these crimes against the womb, which violate the most fundamental human right to self-determination and existence, are never again allowed in our civil society. ■