American Society of International Law

Vol.13, issue 1
January – March 2026

Rights of Indigenous Peoples Interest Group Newsletter

Call for Nominations

Jonathan Liljeblad's three-year term as Co-Chair of the Rights of Indigenous Peoples Interest Group will conclude at the end of this year's ASIL Annual Meeting. We are therefore soliciting nominations for Chair. Candidates must be members of ASIL and RIPIG.

Interested candidates should submit a brief statement of interest and a short biography here: **http://asil.org/ig-elections**. You will be asked to login as an ASIL member so if you do not know your sign in credentials contact me and I will email you that information. The deadline for nominations is Monday, March 16, 2026.

If you have any questions regarding the duties and responsibilities of the position, please contact Jonathan (**jonathanliljeblad@gmail.com**) or Co-Chair Yuri Mantilla (**ymantilla2@liberty.edu**).

After the deadline for nominations has passed, RIPIG members will be notified via e-mail how to access information about the candidates on the ASIL website and the procedure for voting online.

Webinar

The Rights of Indigenous Peoples Interest Group continues its webinar series on Indigenous rights in the Asia-Pacific region, with the 3rd webinar occurring this past December 2025 focused on Indigenous peoples in East Asia. The recording is available for viewing at the ASIL Youtube channel (**https://youtu.be/XzSWFVQ01KE?si=8dgcmQsg5-x4Gjve**). The previous webinars dealt with Indigenous movements in South Asia (**https://youtu.be/6jdzVfGgxi4?si=TmwBQmmf5AjsxUtM**) and Oceania (**https://youtu.be/knDLnPt_1zI?si=Hs2xvME8jxz2IoIc**). The webinar series will continue, and additional webinar series will explore Indigenous rights in other regions of the world.

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LinkedIn

There is now a LinkedIn page for the Rights of Indigenous Peoples Interest Group (https://www.linkedin.com/groups/13202135/). With a soft launch following the 2025 ASIL Annual Meeting, the page is now proceeding to a formal launch. The LinkedIn page is meant to serve as community for interest group members to post announcements sharing news, events, and points of interest. The main criteria is that posts should relate to Indigenous peoples in some manner. Please observe LinkedIn and ASIL etiquette for all posts.

ASIL Proceedings

RIPIG held a panel at the 119 Annual Meeting of the American Society of International Law (April 2025). The panel served as a public launch of an edited book project featuring more than 20 Indigenous scholars from around the world arguing for the existence of Indigenous legal orders that are concurrent to the prevailing state-centric international legal system. The panel presentations are now published in the Proceedings of 119th Annual Meeting of the American Society of International Law: DOI: https://doi.org/10.1017/amp.2025.10060

Articles

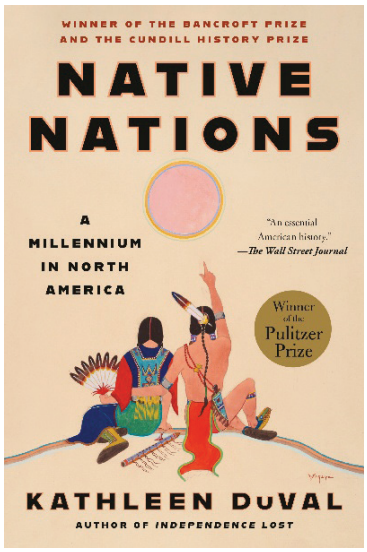
Q&A with Professor DuVal, Author of *Native Nations*
By: Catherine van Kampen

Q. Professor DuVal, your book *Native Nations* covers a millennium of the history of native peoples in North America. Why was it so crucial for you to cover such a long period of time in covering their indigenous people's history? How does your narrative differ from other books on this topic?

A. We see Indigenous people in public spaces a lot today— in television shows and movies, in Congress, in cases before the Supreme Court—and it can be hard for non-Native Americans to understand that very public presence today, given the version of history that most of us were taught. That history emphasizes a few terrible times, such as the Trail of Tears, and portrays Native Americans solely as victims and often as only existing in the distant past. I wanted to show that Native nations have been here a long, long time and have changed with the centuries, and also that they are still here today, more than 600 federally- and state-recognized tribes within the United States alone.

Q. What laws are in place to protect the Native Nations, their people, and natural resources currently, and are they working?

A. The most important laws recognize and facilitate tribal sovereignty. In the United States, recognized tribes retain some sovereign rights, which is not true in most countries in the Americas. The U.S. government is bound to abide by treaties signed with Native nations, and laws such as



the Native American Graves Protection and Repatriation Act, the Indian Child Welfare Act, the Indian Gaming Act, and the Indian Self-Determination and Education Assistance Act reflect tribal sovereignty and lay out some of the procedures and protections involved. These laws, when they are working well, facilitate the pre-existing right of tribal governments to be involved in protecting their own people and natural resources.

Q. What laws are in place to protect Native Nations' cultural heritage, such as historical and burial sites, and are they working?

A. The federal Native American Graves Protection and Repatriation Act (NAGPRA) is the central legislation in this

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effort. It was controversial at first among many museums and universities, but it has led to partnerships between tribes and institutions that held materials from burial sites. There has been repatriation and collaboration, in some cases well beyond the requirements of the law. Today, for example, my archaeology colleagues at the University of North Carolina are working hand in hand with the Catawba Nation on archaeological digs and exhibits at the Catawba Cultural Center.

Q. Native Nations span beyond current North American borders to the north and south, separating indigenous peoples' communities. Do you believe there will ever be an effort to restore these communities with the free flow of persons across borders? Is any work being done on this now?

A. The Tohono O'odham and the Mohawks do have certain rights across the U.S.-Mexico and U.S.-Canada border, respectively. But, as you suggest, these rights are incomplete. Ideally both would have greater sovereignty over their lands on both sides, but the issues of immigration and security are complicated, of course. For the O'odham particularly, increased immigration and militarization of the border have brought violence and have stressed O'odham governing structures as they try to deal with the increased traffic over their lands.

Q. In the afterword, you address sovereignty today for Native Nations. How do you see the future of North America's Native Nations in terms of respect for their sovereignty? What are some of the most significant challenges facing these communities?

A. If national legislation and court decisions keep going the way they have been, that's good news for Native sovereignty. Recognition is greater than it perhaps has been in the whole history of the United States. In *Haaland v Brackeen*, the Supreme Court explicitly ruled against the argument that the Indian Child Welfare Act discriminates based on race—tribes are polities. That said, there is plenty of room for improvement. The courts' presumption of the federal government's plenary power over tribes is a two-edged sword, protecting tribes against state interference but also claiming power that, as legal scholar Keith Richotte recently showed in his book *The Worst Trickster Story Ever Told*, is ambiguous and perhaps unconstitutional. And tribal governments have some of the same problems as other democracies, including insufficient revenue and conflicting constituent priorities. But tribal sovereignty is the answer to those problems as well—Native nations need to be able to make their own decisions for their own people.

Q. How can ASIL members assist and support the Native Nations of North America?

A. Supporting tribes in their lawsuits regarding tribal sovereignty is tremendously important, as is simply understanding the governmental nature of tribes in any legal matters involving them. As we have seen with *McGirt v Oklahoma* and the many cases that have followed it, there is lots still to be worked out about criminal and civil jurisdiction and countless other related issues.

Female ISIS Perpetrators in the Yazidi Genocide: A Survivor-Centered Analysis

By: Federica Genovesi, M.A., Legal Officer; Hope Rikkelman, LL.M, Director; Sophie Spil, MSc, LL.M, on behalf of The Nuhanovic Foundation

Introduction

Over the past decade, security agencies, governments, and political organizations have increasingly acknowledged the significance of women's roles within ISIS: as perpetrators, actors, and in some cases as security threats.[1] Yet, female ISIS members still portray themselves, or are presented as

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1 In 2017, UN Security Council Resolution 2396 highlighted that women in terrorist organizations may support, facilitate, or directly engage in terrorist activities, and urged states to develop tailored prosecution, rehabilitation, and reintegration strategies. UNSC Res 2396 (2017) UN Doc S/RES/2396 https://docs.un.org/en/S/RES/2396(2017) accessed 5 December 2025. That same year, the Dutch intelligence service (AIVD) noted that female jihadis constitute a security threat, while acknowledging gaps in understanding their roles and the risks they pose. AIVD, 'Jihadist Women: A Threat Not to be Underestimated' (14 December 2017) https://english.aivd.nl/publications/publications/2017/12/14/publication-jihadist-women-a-threat-not-to-be-underestimated accessed 5 December 2025. Similarly, German federal prosecutors announced stricter measures for returning women to reduce gender disparities in investigation and prosecution. T Koller, *Prosecution of German Women Returning from Syria and Iraq: Insights and Recommendations for Policymakers and Security Agencies* (2021) 17.

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naïve followers, romantic victims, or mere housewives lured into joining the Caliphate, perpetuating widespread gendered assumptions that minimize women's culpability. However, victim testimony about the genocide against the Yazidi community that ISIS undertook exposes a vastly different reality: women played a pivotal role in the commission of atrocities.

Beyond media portrayals and policy responses,[2] the impact of this gendered assumption, mitigating women's culpability, extends to judicial practice. With some notable exceptions,[3] the majority of female ISIS members who returned to their European home countries and were prosecuted have been convicted solely for membership in a terrorist organization.[4] While this marks a positive step toward accountability, the emphasis on membership offences often obscures the wider spectrum of conduct that may be pursued as a criminal offence.[5] As a result, the full extent of women's participation in ISIS activities has not been adequately addressed in law.

This lack of recognition contributes to a sense, among victims, that justice remains incomplete, as many of those who directly contributed to their suffering, including female ISIS members who enslaved, abused, or otherwise participated in the persecution of Yazidis, have not been held to account for the full extent of their involvement.

This article examines the contribution of female ISIS members to the genocide against the Yazidis, arguing that their contributions were central to ISIS's genocidal campaign. The first part examines how female ISIS members contributed to the commission of genocidal acts, drawing on recent convictions of Lina I. in Sweden and Hasna A. in the Netherlands. Second, informed by the authors' engagement with Yazidi survivors at The Nuhanovic Foundation[6] and The Yazidi Legal Network[7], the article considers victims' perspectives on current accountability efforts for female ISIS members and explores what survivors consider necessary to achieve justice and meaningful accountability.

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2 The (reluctant) repatriation of women and their children from detention camps after the caliphate's fall, contrasted with the non-repatriation of men, illustrates this gendered assumption in policy.

3 Including notable German cases such as O*maima* A., BGH, 2021 https://www.bundesgerichtshof.de/SharedDocs/Pressemitteilungen/DE/2021/2021063.html, accessed 1 December 2025; S*arah* O., OLG Düsseldorf, 2021, https://nrwe.justiz.nrw.de/olgs/duesseldorf/j2021/7_StS_3_19_Urteil_20210616.html, accessed 1 December 2025; and N*urten* J., OLG Dusseldorf, 2021, https://www.eurojust.europa.eu/sites/default/files/assets/21.04.21._dusseldorf_higher_regional_court_translation.pdf accessed 1 December 2025, as well as L*ina* I. (Stockholms Tingsratt, 2022) https://www.eurojust.europa.eu/sites/default/files/assets/national-jurisprudence-case-b-20218.20-2022-en.pdf accessed 1 December 2025; and H*asna* A. (Rechtbank Den Haag, 2024) https://uitspraken.rechtspraak.nl/details?id=ECLI:NL:RBDHA:2024:20594, accessed 5 December 2025.

4 Tanya Mehra, Thomas Renard, and Merlina Herbach, 'conclusions and recommendations', in .Tanya Mehra, Thomas Renard and Merlina Herbach (eds), *Female Jihadis Facing Justice: Comparing Approaches in Europe* (ICCT Press 2024).

5 Membership in a terrorist organization establishes culpability for joining a group with the intent to commit terrorist acts but does not necessarily capture the gravity or context of the underlying crimes. International crimes—such as war crimes, genocide, and crimes against humanity—carry greater moral and legal weight and may more accurately reflect the scope and severity of wartime offenses. Prosecutors may pursue membership charges, ICL-based charges, or both, though convictions for international crimes are subject to higher legal and evidentiary thresholds and are often tied to situations of armed conflict.

6 To learn more about our work, visit https://nuhanovicfoundation.org/

7 To learn more about our work, visit https://www.yazidilegalnetwork.org/

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Background: The Yazidi Genocide

The Yazidis are small ethno-religious minority indigenous to the Sinjar region in northern Iraq,[8] where roughly half a million Yazidis lived prior to 2014.[9] On 2 August 2014, the so-called Islamic State (ISIS) launched a coordinated attack against the Yazidi population. Within 24 hours, the lives of farmers, teachers, doctors, housewives, and children in Sinjar were irreversibly transformed.[10] ISIS's genocidal campaign deliberately targeted the Yazidi community, exploiting long-standing misconceptions that framed Yazidis as 'devil worshippers.'[11]

As ISIS forces advanced, tens of thousands fled to the Mount Sinjar plateau, where they remained trapped for days without water, food, shelter, or protection from extreme heat. Surrounded and facing imminent death, many survived only after a corridor was opened by the Kurdistan Workers' Party (PKK), the Syrian Kurdish YPG, Yazidi volunteers, and an international coalition.[12] Within days, thousands were killed: executed by ISIS or dying as they tried to escape. Approximately 12,000 were captured, with many women and girls sold into sexual slavery. Large parts of Sinjar were destroyed, and the region's entire community displaced.[13] As of 2024, an estimated 150,000 Yazidis remain in camps for internally displaced persons (IDPs) in northeastern Iraq, even as the Iraqi government seeks to close the camps and pressure survivors to return home in an attempt to project normalcy in the region.[14]

Legal Framework

Although this article focuses on genocide, the crimes committed against the Yazidi population by ISIS fall within the broader scope of international criminal law. ISIS's attack against the Yazidis took place in the context of a non-international armed conflict in Iraq and Syria, bringing into operation the legal frameworks governing war crimes, crimes against humanity, and genocide. Prosecutors at the international and domestic levels, therefore, have multiple legal avenues through which to address female ISIS members' conduct, including enslavement, sexual slavery, torture, persecution, and other inhumane acts as crimes against humanity; the conscription, recruitment, and abuse of children; as well as war crimes linked to the armed conflict.

In practice, however, most prosecutions of returning female ISIS members in Europe have relied on domestic counter-terrorism legislation and membership in a terrorist organization. While this approach establishes criminal responsibility, it often does not reflect the full gravity of the conduct nor the specific nature of the crimes committed against the Yazidis as a protected group. When charges are limited to terrorism offences, the underlying international crimes, including enslavement, forced religious conversion, sexual violence, forced pregnancy, and the forcible transfer of Yazidi children, may be obscured in the legal record.

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8 Report of the Special Rapporteur on Minority Issues on her mission to Iraq, UN Doc A/HRC/34/53/Add.1(2017),5

9 Caroline Schneider, *Forcible Child Transfer: Historical Analysis and Human Experience of a Global Phenomenon – Case Studies from the 20th and 21st Centuries* (BA, MA Zurich) 182

10 They came to destroy": ISIS Crimes Against the Yazidis, UN Doc A/HRC/32/CRP.2 (2016), 6.

11 Wendy Cook, 'Yazidi Genocide' in Lenore Walker, Giselle Gaviria and Kalyani Gopal (eds), *Handbook of Sex Trafficking: Feminist Transnational Perspectives* (Springer 2018) 287.
Valeria Cetorelli and Sareta Ashraph, A *Demographic Documentation of ISIS's Attack on the Yazidi Village of Kocho* (LSE Middle East Centre Report, June 2019) 6–7.

12 Yazda, 'An Uncertain Future for Yazidis: A Report Marking Three Years of an Ongoing Genocide' (Global Yazidi Organization Report, 2017) 6 https://354a2745-cd89-499d-8ac2-0340313e364f.filesusr.com/ugd/92f016_230c3d32aa44498db557326046ad5ca7.pdf accessed 5 December 2025.

13 Valeria Cetorelli, Isaac Sasson, Nazar Shabila and Gilbert Burnham, 'Mortality and Kidnapping Estimates for the Yazidi Population in the Area of Mount Sinjar, Iraq, in August 2014: A Retrospective Household Survey' (9 May 2017) http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1002297, accessed 5 December 2025.

14 Luke Moffett, *Ten Years on from the Yazidi Genocide: Searching for Redress for the War against* ISIS (ICCT, 31 July 2024) https://www.icct.nl accessed 5 December 2025.

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This article focuses on the genocide dimension, not to exclude other offences, but to highlight how the conduct of female ISIS members contributed directly to the core genocidal acts enumerated under international law. Acknowledging genocide does not negate the coexistence of other international crimes; rather, it emphasises that female perpetrators played an active and central role in the patterns of enslavement, forced transfer, and cultural erasure that were designed to destroy the Yazidi community.

Under Article 2 of the Genocide Convention, genocide encompasses a range of acts committed with the intent to destroy, in whole or in part, a protected group. These include killing, causing serious bodily or mental harm, inflicting conditions of life calculated to bring about physical destruction, imposing measures to prevent births, and the forcible transfer of children.[15] For the purpose of this article, we will focus specifically on: (i) causing serious bodily or mental harm, and (ii) forcibly transferring children of the group to another group.

Causing Serious Bodily or Mental Harm

Serious bodily or mental harm is not explicitly defined in the Genocide Convention or other treaties criminalizing genocide, leaving its scope intentionally broad. This flexibility allows for the inclusion of all conduct capable of causing significant physical or psychological suffering to members of a protected group, provided it is carried out intentionally and knowingly.[16] The International Criminal Tribunal for Rwanda (ICTR) defined bodily harm broadly as "harm that seriously injures the health, causes disfigurement or causes any serious injury to the external, internal organs or senses."[17] While it has been widely accepted that this may arise from acts of torture, rape, and non-fatal physical violence that cause disfigurement or serious injury,[18] international criminal courts and tribunals have likewise established that serious bodily harm may arise from inhumane and degrading treatment,[19] deportation,[20] enslavement,[21] starvation,[22] and persecution.[23] The concept of serious mental harm is similarly broad.[24] It does not require permanent psychological damage[25], but must exceed temporary distress.[26] In *Blagojevi*, the International Criminal Tribunal for the Former Yugoslavia (ICTY) clarified that mental harm does not require physical manifestation, reasoning that "[t]he fear of being captured, and, at the moment of the separation, the sense of utter helplessness and extreme fear for their family and friends' safety as well as for their own safety, is a traumatic experience from which one will not quickly - if ever - recover."[27] Courts have similarly recognized that the loss of relatives and friends, as well as

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15 *Convention on the Prevention and Punishment of the Crime of Genocide* (adopted 9 December 1948, entered into force 12 January 1951) 78 UNTS 277.

16 Nema Milani, 'The Mental Element Required for Serious Bodily or Mental Harm', in Nema Milani (eds), Understanding Serious Bodily or Mental Harm as an Act of Genocide (2018).

17 *Prosecutor v Kayishema* (ICTR-95-1-T) Trial Judgement, para 10, 1 October 1999; *Prosecutor v Muvunyi* (ICTR-2000-55A-T) Trial Judgement, para 487, 12 September 2006.

18 *Prosecutor v Seromba* (ICTR-2001-66-A) Judgement, para 46, 12 March 2008; *Prosecutor v Ntagerura* (ICTR-99-46-T) Judgement and Sentence, para 664, 25 February 2004.

19 See, e.g., *Prosecutor v. Akayesu* (ICTR-96-4-T) Judgement, para 503-504, Sept. 2, 1998; *Prosecutor v. Blagojevic*, (ICTY-02-60-T) Judgement, para 646, Jan. 17, 2005; *Prosecutor v. Popovid* (ICTY-05-88-T) Judgement, para 812, June 10, 2010; *Prosecutor v. Rutaganda*, (ICTR-96-3-T) Judgement and Sentence, para 51, Dec. 6, 1999.

20 See *Prosecutor v Blagojević*, para 646; *Attorney General v Eichmann* (36 I.L.R. 277), para 340, 1961.

21 *Attorney General v Eichmann* (36 I.L.R. 277), para 340, 1961.

22 Ibid.

23 Ibid.; *Prosecutor v Akayesu*, para 504; *Prosecutor v. Musema* (ICTR-96-13-T), Judgement, Jan. 27, 2000; *Prosecutor v Rutaganda* (ICTR-96-3-T), para 51, Dec. 6, 1998

24 *Prosecutor v. Tolimir* (ICTY-05-88/2-T) Judgement, para 1 738, Dec. 12, 2012.

25 *Prosecutor v. Krstic* (ICTY-98-33-T) Judgement, para 510, Aug. 2, 2001); *Prosecutor v. Kalimanzira* (ICTR-05-88-T), Judgement, para 159, June 22, 2009; *Prosecutor v. Seromba* para 317 (Dec. 13, 2006).

26 *Prosecutor v Blagojevic*, para 645; *Prosecutor v. Gacumbitsi* (ICTR-2001-64-T,) Judgement, para 1 291, June 17, 2004; *Prosecutor v. Renzaho* (ICTR-97-31-T) Judgement, para 762 (July 14, 2009); *Prosecutor v. Semanza* (ICTR-97-20-T) Judgement, para 321-22, May 15, 2003.

27 *Prosecutor v. Blagojevic*, para 647.

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forcible transfer, may satisfy the threshold for serious mental harm,[28] as well as threats of death or awareness of imminent death;[29] acts inducing intense fear or terror;[30] surviving mass killings;[31] forcible displacement;[32] and forms of "mental torture."[33]

Forcibly Transferring Children of the Group to Another Group

The forcible transfer of children refers to the act of separating children from their group and placing them under the control of another group. It does not require their full integration or assimilation into the receiving group.[34] The term "forcibly" is interpreted broadly to encompass not only physical force but also threats, coercion, duress, or circumstances in which genuine consent is impossible.[35] Although the Genocide Convention protects groups 'as such', rather than individuals, this provision recognizes children as vital to the group's physical and cultural continuity. Their removal, even without full assimilation into the new group, disrupts this continuity and undermines the group's long-term survival.[36]

Participation of women: the cases of Lina I. and Hasna A.

Two recent convictions, those of Lina I. in Sweden and Hasna A. in the Netherlands,[37] serve as examples of direct and material contributions made by female ISIS members to genocidal acts against the Yazidi population.[38] The evidence presented in these proceedings shows that women not only facilitated but also directly committed fundamental aspects of the genocidal campaign against the Yazidi community. Their involvement, usually carried out within domestic spaces, family structures, and seemingly "private" settings, was crucial to sustaining the system of enslavement, forced conversion, and forcible child transfer that constituted ISIS's genocidal campaign.

In the case of Lina I.,[39] the Stockholm District Court found that the defendant exercised powers of ownership over nine Yazidi women and children who had been enslaved following the August 2014 attack on Sinjar. After their male relatives were executed, the victims were transferred between various ISIS members before arriving at Lina I.'s

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28 *Prosecutor v. Tolimir*, para 1 654.

29 *Bosn. & Herz. v Serb. & Montenegro* 2007 ICJ Rep 43, 290–91; *Prosecutor v Tolimir*, para 206.

30 *R. v. Munyaneza*, 2009 QCCS 2201, para. 89 (Can. Que.).

31 *Prosecutor v.Tolimir*, para 207; Bosn. & Herz. v. Serb. & Montenegro, 2007, para 290-91.

32 *Prosecutor v. Krajiinik*, (ICTY-00-39-T) Judgement, para 862, Sept. 27, 2006); Prosecutor v Tolimir, para 209.

33 *Prosecutor v. Akayesu*, para 504; Prosecutor v. Rutaganda, para 51.

34 Kurt Mundorff, *Taking* (E) *Seriously: Forcible Child Transfers and the Convention on the Prevention and Punishment of the Crime of Genocide* (Doctoral thesis, University of British Columbia 2007).

35 *Elements of Crimes*, Rome Statute; *Prosecutor v Krstić*, para 529; *Prosecutor v Akayesu*, para 509.

36 Mundorff (in 32); *Bosnia and Herzegovina v Serbia and Montenegro*, ICJ, 26 February 2007.

37 The Nuhanovic Foundation (NF), in collaboration with the Yazidi Legal Network (YLN), has supported survivors in the case against Hasna A. by providing logistical assistance to the victim's lawyer, facilitating witness participation, aiding the court in ensuring both in-person and online access, and monitoring the proceedings. For more information on the Nuhanovic Foundation's support in this case, see: https://nuhanovicfoundation.org/case/hasna-a-case/

38 While Hasna A. was not convicted of genocide, her conviction still reflects judicial recognition of women's active roles within ISIS.

39 Prosecutor's Office, 'Woman indicted with genocide, crimes against humanity and serious war crimes in Syria' (Press release, 2024) https://www.aklagare.se/en/for-the-media/press-releases/2024/september/woman-indicted-with-genocide-crimes-against-humanity-and-serious-war-crimes-in-syria/, accessed 16 November 2025.

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home, where she intensified their enslavement.[40] Within her household, Lina I. oversaw a regime of forced religious conversion. She compelled the victims to recite the Qur'an, pray several times a day, attend Islamic instruction, and wear religious garments. She also prohibited the use of the Kurmanji language and banned any expression of Yazidi identity, culture, or religious practice. These actions were deliberate measures aimed at erasing Yazidi identity and replacing it with an ISIS-approved religious and cultural framework.[41] The court also documented severe physical and psychological abuse, including verbal humiliation (referring to the victims as "infidels" and "slaves"), assaults, restrictions on movement, deprivation of food and basic necessities, and the forced viewing of propaganda films depicting Yazidi executions.[42]

Lina I. also participated in preparing Yazidi children for onward transfer to other ISIS members through photographic documentation and facilitating their forced relocations. According to the evidence presented by the Swedish prosecutor,[43] the systematic separation, forced conversion, and indoctrination of Yazidi children constitute measures aimed at severing their biological, social, and cultural ties to the Yazidi community, thereby supporting the finding of genocidal intent.[44] Strikingly, although the judgement does not characterize the destruction of Yazidi religious and cultural property as genocidal acts in themselves, it does treat this destruction as relevant evidence of ISIS's intent to destroy the Yazidi as a group.[45]

Hasna A., the first woman in the Netherlands convicted of slavery as a crime against humanity, provides another example of how the genocidal system was enabled by female members of ISIS, even if genocide was not formally charged. From 2015 to 2016, Hasna A. lived in Raqqa with her husband and young son, during which time they held a Yazidi woman in domestic servitude, compelling her to perform unpaid household work and care for Hasna A.'s child.[46]
To protect the identity and safety of the survivor, she is referred to as' 'Z'. The District Court found that Hasna A. had deliberately maintained Z.'s enslavement and that her actions formed part of, and contributed to, ISIS's systematic attack on the Yazidi community.[47] The evidence presented at trial described the systematic and institutionalized structure of ISIS's enslavement practices. The judgment outlined how official ISIS records framed slavery as a religious obligation, classifying captured Yazidis as *ghanima* (spoils of war) and designating Yazidi women and children as *sabaya* (slaves). The documents regulated slave markets, managed the trade and transfer of enslaved persons, and produced manuals authorizing sexual abuse, including of minors, and the use of severe physical violence. The judgment further noted that ISIS

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40 Stockholm District Court, 'Conviction in a case concerning genocide, crimes against humanity and gross war crimes' (Press release, 11 February 2025) https://www.domstol.se/stockholms-tingsratt/nyheter/2025/02/conviction-in-a-case-concerning-genocide-crimes-against-humanity-and-gross-war-crimes/, accessed 5 December 2025.

41 Idem.

42 Idem.

43 Idem.

44 Forcible Child Transfer, Historical Analysis and Human Experience of a Global Phenomenon, Case Studies from the 20th and 21st Centuries, Caroline Schneider BA (Zurich); MA (Zurich), 184-185.

45 The Court concluded that the crimes against the Yazidis aimed not only at physical destruction but also at eradicating the group "from a social and cultural perspective" (pp. 80, 210, 223–224). It highlighted the destruction of Yazidi "religious and cultural sites and monuments" in Sinjar as evidence that ISIS sought to destroy the protected religious group as such (pp. 78, 80, 210, 223–224), consistent with commentators' assessments (see https://opiniojuris.org/2025/02/19/justice-for-the-yazidis-in-the-ishaq-case-by-the- stockholm-district-court-part-i/). By recognizing that ISIS's systematic suppression of Yazidi language, religion, cultural practices, and social structures was integral to the genocidal enterprise, the Stockholm District Court provides a rare domestic acknowledgment of the cultural dimension of genocide under both domestic law and the Genocide Convention, as well as Lina I.'s contribution thereto.

46 District Court of The Hague (ECLI:NL:RBDHA:2024:20594), 11 December 2024.

47 Ibid, para. 4.3.5.

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systematically separated children from their mothers and imposed extreme reprisals for resistance or escape, including death, severe abuse, and collective punishment.[48] Court testimony from Z. revealed that she was forcibly separated from her children after being abducted by IS terrorists in August 2014.[49] Her then ten-year-old son was sent to an IS training camp, while her three daughters were exploited elsewhere as slaves. Z. was then purchased by the man who would later become Hasna A's husband. During the time that Hasna A. lived in that household, Z. was subjected to constant intimidation and lived in a confined environment where violence was a constant threat. Z. was also denied the simple request of calling her family. She testified that "her heart burned" while caring for Hasna A.'s son, asking in court how the defendant could live with herself, forcing Z. to live separated from her own children while being a mother herself. Z. reflected that it was "partly because of people like her that I lost two daughters."[50]

The court ruled that Hasna A. was fully aware of ISIS's persecution of the Yazidis and of Z.'s enslaved status.[51] But rather than alleviating her suffering, she reinforced it. The judgment noted that Hasna A. must have known that her husband subjected Z. to violence, including sexual abuse: the three lived together in a confined space, and Z. testified that she had spoken with Hasna A. about this abuse. Hasna A. acknowledged at trial that ISIS fighters routinely used violence against enslaved Yazidis. The court concluded that Hasna A. not only maintained Z.'s enslavement but actively contributed to it by issuing orders, imposing forced labor, and sustaining the coercive conditions that kept Z. under total control.

The cases of Lina I. and Hasna A. demonstrate how female ISIS members directly enabled the operation of ISIS's enslavement system, sustaining practices of forced transfer, cultural erasure, sexual violence, and family separation that formed core elements of the genocidal campaign against the Yazidi community. Their actions directly contributed to the erasure of Yazidi identity within domestic spaces, the very sites where culture is transmitted, languages are spoken, and children are socialized. Through practices of forced assimilation and the suppression of Yazidi language, culture, and family ties, female ISIS members like Lina I. and Hasna A. actively facilitated the genocidal campaign from within the intimate architectures of captivity.

Perspectives of Victims

Testimonies from survivors reveal that the violence inflicted was not only physical, psychological, and cultural, but was experienced through a deeply gendered lens that shaped both the nature of the harm and the survivors' understanding of it.

A recurring theme in these testimonies is the profound disorientation survivors felt upon discovering that women, usually expected to embody care, domesticity, and protection, also acted as direct perpetrators, enforcers, and agents of domination. For many Yazidi survivors, the presence of female perpetrators constituted one of the most destabilizing aspects of captivity.

This needs to be understood within the broader social and cultural context in which these crimes occurred. In traditional Yazidi culture, women are expected to occupy protected, domestic spheres rather than positions of authority or violence.[52] Similarly, the Islamic State's strict

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48 Ibid, para 4.3.1.

49 A. Stoffelen, '"Mevrouw Z." vertelt hoe zij is uitgebuit door IS'er Hasna A. Die ontkent: "Ik deed ook de afwas"' (*De Volkskrant*, 16 October 2024) https://www.volkskrant.nl/binnenland/mevrouw-z-vertelt-hoe-zij-is-uitgebuit -door-is-er-hasna-a-die-ontkent-ik-deed-ook-de-afwas~b2239670/, accessed 5 December 2025

50 Ibid

51 District Court of The Hague (ECLI:NL:RBDHA:2024:20594) para 4.3.5, 11 December 2024.

52 Devorah Margolin and Joana Cook, *The Agency and Roles of Foreign Women in* ISIS (CJA / Washington Institute, August 2023) 67–68.

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gender ideology imposed a deeply segregated social order in which women were expected to remain confined to the private sphere.[53] A deviation from these prescribed roles, even when sanctioned or enforced by ISIS, constituted a marked departure from normative expectations governing women's behaviour, amplifying the psychological impact of the violence.

Survivors' accounts further underscore that women not only participated in but also actively contributed to the violence they endured and that such involvement is frequently underrecognized in judicial proceedings, resulting in disparities in judicial accountability.

Two Yazidi survivors, referred to here as F.[54] and S.[55], spoke about the extent of violence carried out by women.[56] S. noted: "There was a lot of violence (…) from women. They even did things worse than what men did. People thought it was just men committing violence against the Yazidi girls and women, but what the women did was the worst, and they don't talk about it because they think only men committed crimes." S. highlighted the judicial gap, noting that only "two or three" women have been meaningfully recognized by the courts for their full culpability as perpetrators so far, despite the fact that "many awful things were done by women, sometimes worse than men."

F. observed that women's responsibility "is not taken as seriously as men's." She continues: "I don't think women's roles have been fully recognized. Some women were victims, yes, but others also played active roles. Both sides should be acknowledged to understand the full truth." F. explained that these gaps in recognition are also visible in broader societal reactions to female convictions. "When a woman is convicted, people often react with shock, as if it's harder to believe a woman could do such things," she noted. She added that public discourse frequently assumes that women affiliated with ISIS were solely coerced or victimised, overlooking that some "also made choices or caused harm."

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53 Ibid. ISIS's governance framework restricted women's lives through an extensive set of theological and administrative rules, regulating nearly every aspect of their existence, from dress and mobility to marriage and access to work or healthcare. These constraints shaped women's daily lives under ISIS and defined the narrow conditions under which women could participate in the organization's public or administrative structures. While most women may never carry a weapon, they may support violence by encouraging their male relatives, preparing them for combat, or helping to transport supplies. DW, 'Germany: Woman sentenced for "IS" membership, breach of care' (17 July 2023) https://www.dw.com/en/germany-woman-sentenced-for-is-member ship-breach-of-care/a-66251883, accessed 5 December 2025; AP, 'Sweden convicts woman for recruiting son to fight in Syria' (4 March 2022)https://apnews.com/article/islamic-state-group-travel-religion-war-crimes -europe-0d8bad-b600eaf53a628fd6120642c2e7, accessed 5 December 2025; Doughty Street Chambers, 'ISIS member convicted of crimes against humanity for aiding and abetting enslavement of a Yazidi woman' (23 April 2021) https://www.doughtystreet.co.uk/news/isis-member-convicted-crimes-against-humanity-aiding-and-abetting-enslavement-yazidi-woman, accessed 5 December 2025.

54 F. was born into the Yazidi community in Shingal, northern Iraq, in 2005. When ISIS attacked Shingal in 2014, she was nine years old. She was abducted, separated from her parents, and sold several times over the course of four years before being freed. Her parents and oldest brother remain missing to this day.

55 S. was abducted by ISIS at the age of 11 and endured years of enslavement, being trafficked through multiple locations by various perpetrators, both local and foreign. Eventually, S. was rescued by a Kurdish militia group and now lives in the Kurdistan Region. She is a committed advocate for the Yazidi community, seeking justice for herself and other survivors of the ISIS genocide. Her story is also featured in Reber Dosky's "Daughters of the Sun."

56 This section draws on interviews with two survivors that the authors conducted in their capacities at the Nuhanovic Foundation and the Yazidi Legal Network.

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These preconceptions contribute to a persistent imbalance in criminal accountability, with women's responsibility often undervalued. Both S. and F. stressed the need for equal recognition of women's roles. As S. noted, "the responsibility is the same whether it is a man or a woman; they all joined ISIS for one reason, and it is terrorism." F. concluded, "I think justice should be equal, regardless of gender."

For both survivors, meaningful justice rests on two pillars: full accountability and adequate support. S. explained, "the most important thing is they should be brought to judgment and take responsibility for what they did," adding that justice might also require comprehensive rehabilitation: "all survivors should be treated by specialists… so they can move forward in their lives."

Ultimately, these testimonies make clear that justice cannot be meaningfully achieved without acknowledging the full extent of women's roles within ISIS. Only by confronting both the violence women endured and the violence women inflicted can accountability processes capture the reality of what happened. For survivors, recognition is not merely symbolic: it is a necessary condition for truth, for healing, and for ensuring that future efforts to investigate and prosecute ISIS crimes do not replicate the same gendered blind spots that shaped their suffering.

Conclusion

The cases of Lina I. and Hasna A. demonstrate the complex and multifaceted roles of women within ISIS, whose contributions extended beyond passive or auxiliary roles. They actively facilitated, enforced, and perpetrated key elements of the genocidal campaign. Through enslavement, forced transfers, separation of families, suppression of the Yazidi language and religion, they played a central role in sustaining ISIS's genocidal campaign, directly contributing to the mechanisms of domination, separation, and cultural erasure intended to destroy the Yazidi community.

Yet, public and judicial narratives continue to use reductive archetypes that portray women engaged in terrorism as either mothers (of terrorist actors), monsters (deviant characters), or whores (girlfriends or wives of terrorist actors).[57] Such simplifications both obscure the agency and culpability of female offenders and distract from the broader structural and social contexts in which they operated.

Female ISIS members' actions must be understood within this context. The harms inflicted on the Yazidis as an indigenous community, regardless of the perpetrator's gender, not only caused individual and familial harm but also constituted a broader attack on the community's social and cultural continuity. They were part of a coordinated effort to destroy the group as such. Recognizing the cultural component is crucial not only for assessing individual criminal responsibility but also for upholding Indigenous Peoples' rights to protection, self-determination, and cultural survival. The gendered nature of the violence demonstrates that attacks on women and their autonomy were inseparable from the broader assault on Yazidi identity, making a culturally informed perspective indispensable for both justice and accountability.

Survivors' testimonies highlight the profound social and emotional consequences of encountering female perpetrators and the recurrent underrecognition of women's roles within the judicial system. Meaningful justice for Yazidi survivors requires acknowledging the full spectrum of women's participation - not only as victims but also as perpetrators - and integrating these realities into legal processes. Accountability mechanisms must be sensitive to the gendered dynamics at play without reducing them to simplistic binaries, as nuanced recognition is essential for prosecutions to reflect the reality of ISIS's genocidal campaign, deliver equitable justice, and aid survivors in their healing as they move forward.

57 Laura Sjoberg and Caron E. Gentry, *Mothers, Monsters, Whores: Women's Violence in Global Politics* (London: Zed Books, 2007).

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Colonialism, Alcohol, and Structural Determinants in Indigenous Health

By: Amalie Rasmussen, M.A., International Security and Law

For generations, alcohol has served as a framework through which aspects of Indigenous health have been interpreted. In both Greenland and North America, public narratives have at times portrayed Indigenous peoples as particularly or inherently vulnerable to alcohol-related harm, including suggestions of genetic susceptibility.[1] Existing scholarship indicates that such narratives did not emerge independently but were, in certain periods, shaped or reinforced by legal and policy measures that contributed to their persistence.[2]

The Colonial Roots of Contemporary Narratives on Indigenous Alcohol Use

To understand how such narratives became embedded in public discourse, it is necessary to look beyond contemporary perceptions and return to the historical conditions under which they were formed. Historical scholarship demonstrates that ideas about Indigenous peoples' relationship to alcohol were not neutral observations, but products of specific colonial contexts.[3]
Some historical sources note that certain Indigenous nations produced and used fermented beverages prior to European arrival; however, these practices differed significantly from the forms of alcohol introduced through colonisation. Such beverages were typically ceremonial, seasonal, and embedded within socially regulated contexts.[4] The escalation of alcohol-related harms began after European arrival, when potent distilled spirits entered Indigenous territories and were rapidly commercialised.

In the United States, these dynamics intensified during the federal Formative Years (1789–1871), as alcohol became entangled in diplomatic negotiations and treaty-making. In some cases, alcohol played a role in facilitating land cessions, undermining Indigenous sovereignty, and reinforcing colonial beliefs that Indigenous peoples lacked self-control.[5]

Codifying Control: Early U.S. Federal Statutes on Indigenous Alcohol Use

Federal legislation further embedded these assumptions into policy. The Trade and Intercourse Act of 1802, § 21, 2 Stat. 139, imposed prohibitions on alcohol in "Indian country."[6] Despite limited enforcement due to vague geographical definitions and insufficient administrative capacity, the statute nevertheless contributed to the broader belief that Indigenous peoples required special oversight in relation to alcohol.[7] The Indian Intercourse Act of 1834, §§ 20–22, 4 Stat. 729, expanded this framework by banning the introduction of alcohol and the establishment of distilleries in Indigenous territories, thereby strengthening policy logics grounded in perceived Indigenous incapacity.[8]

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1 Robert J Miller and Marli Hazlett, 'The "Drunken Indian": Myth Distilled into Reality Through Federal Indian Alcohol Policy' (2008) 28 *Arizona State Law Journal* 223, 225–228 https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1160478 accessed 30 November 2025;Bodil Karlshøj Poulsen, *Alkoholens historie i Grønland – en historie om påbud, forbud og forskelsbehandling*https://allorfik.gl/-/media/allorfik/pdf-filer/eksterne-udgivelser/alkoholens-historie-i-groenland.pdf accessed 30 November 2025; Ariel M S Richer and Ariel L Roddy, Culturally tailored substance use interventions for Indigenous people of North America: a systematic review - PubMed (2022) 2–3, accessed 12 March 2026.

2 Ibid.

3 Miller and Hazlett (n1)., 231–232.

4 Ibid., 229.

5 Ibid., 235.

6 Trade and Intercourse Act 1802, ch 13, 2 Stat 139, § 21 https://www.govinfo.gov/content/pkg/STATUTE-2/pdf/STATUTE-2-Pg139.pdf accessed 30 November 2025.

7 Miller and Hazlett (n 1) 240-241.

8 Act of 22 June 1834, ch 45, 4 Stat 729, § 22 https://www.govinfo.gov/content/pkg/STATUTE-4/pdf/STATUTE-4-Pg729.pdf accessed 30 November 2025.; Miller and Hazlett (n 1) 244.

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This trajectory continued with the Act of 3 March 1847, 9 Stat. 203.[9] It authorized federal officials to withhold treaty annuities, payments guaranteed in exchange for land, if an Indigenous person was found consuming, or suspected of accessing, alcohol.[10] Such measures linked alcohol regulation directly to political and economic leverage.[11]

Colonial Governmentality in Greenlandic Alcohol Policy

Comparable dynamics unfolded in Greenland under Danish colonial rule. Although Greenlanders encountered alcohol through early contact with European whalers, Danish authorities later introduced stricter regulations based on assumptions about Inuit incapacity. After the 1721 colonial project, officials argued that Greenlanders had to be protected from alcohol to preserve the profitability of colonial trade, a logic similar to that used in the United States.[12] This culminated in the Instruction of 19 April 1782, which formally restricted Inuit access to alcohol.[13] As in North America, these measures served less to promote Indigenous wellbeing than to reinforce colonial hierarchies and protect economic interests. Authorities also feared that alcohol access might encourage Inuit to seek equality with Danes, suggesting that regulation functioned as a tool of social separation. Although policies changed over time, restrictive alcohol laws remained in place until 1954.[14]

Ending formal restrictions did not erase the assumptions that justified them. Colonial-era ideas, particularly the belief that Inuit were unable to control their alcohol use, continued to shape public attitudes, and many Inuit in Greenland still report discrimination rooted in these stereotypes.[15]

Placed in a wider colonial context, this reflects a consistent pattern: in both the United States and Greenland, legal and regulatory frameworks were built upon and reproduced narratives of Indigenous incapacity. Even when not openly acknowledged, these assumptions guided policy choices and legitimized the use of restrictive measures.

When Structures Shift: Understanding Alcohol Use Through Social Change

This historical backdrop raises the question of whether colonial assumptions continue to shape contemporary understandings of Indigenous alcohol use, and whether current patterns reflect deeper structural conditions established during and after colonisation. Across Indigenous contexts, rapid sociocultural change, including acculturation, urbanisation, and integration into Western institutions, has been linked to shifts in mental-health outcomes such as increased suicide and substance use, suggesting the influence of broader structural forces.[16]

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9 Act of 3 March 1847, 9 Stat 203, 205 https://www.govinfo.gov/content/pkg/STATUTE-9/pdf/STATUTE-9-Pg203.pdf accessed 30 November 2025.

10 Miller and Hazlett (n 1) 245.

11 Ibid.

12 Poulsen (n 1) 173–174.

13 Instrux, hvorefter Kiøbmændene (19 April 1782) https://www.kb.dk/e-mat/dod/130018497299.pdf accessed 30 November 2025.

14 Ibid., 174.

15 Nathalie Dressler, 'The Arctic suicides - it's not the dark that kills you' (NPR, 21 April 2016) https://www.npr.org/sections/goatsandsoda/2016/04/21/474847921/the-arctic-suicides-its-not-the-dark-that-kills-you accessed 30 November 2025; 'Greenlandic students turn up for class – and face prejudice' (UniAvisen) https://uniavisen.dk/en/greenlandic-students-turn-up-for-class-and-face-prejudice/ accessed 30 November 2025.

16 Peter Bjerregaard, 'Cultural change and mental health in Greenland' (2002) 54 Social Science & Medicine 2-3 https://www.sciencedirect.com/science/article/pii/S0277953601000053 accessed 30 November 2025; Miller and Hazlett (n 1) 231-232.

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A similar dynamic is evident in Greenland, where high living costs, poverty, limited services, and the erosion of traditional practices intersect to affect wellbeing..[17] Some Inuit community members describe the loss of cultural roles and social structures, shaped by colonisation and urbanisation, as contributing to present-day struggles with mental health and substance use. These factors may create intergenerational cycles, as children raised in households affected by alcohol misuse face compounding challenges.[18] Although studies indicate that colonial-era structural changes have influenced these patterns, further research is needed to clarify the relationships.[19]

In North America, research likewise links alcohol-related issues among Indigenous populations to intergenerational trauma and colonial experiences, including forced removals, residential schools, cultural suppression, and various forms of violence.[20] These long-standing structural factors may contribute to elevated rates of mental-health challenges and alcohol misuse in some communities.[21] This perspective contrasts with colonial-era assumptions that Indigenous peoples "cannot control alcohol" and aligns with the World Health Organization's view that social determinants, such as living conditions, inequality, and historical marginalisation, play a major role in shaping health outcomes.[22]

Persisting Constructs: Contemporary Echoes of Colonial Assumptions

Although research has suggested that intergenerational trauma linked to colonial histories may be one of several factors contributing to alcohol-related challenges among Indigenous populations, the longstanding assumption that Indigenous peoples are inherently more prone to alcohol misuse continues to persist.[23] These assumptions have contributed to the endurance of the so-called "firewater myth," which proposes that alcohol-related harms among Indigenous peoples are primarily the result of genetic predisposition.[24]

Whether genetic factors play a role in these patterns remains uncertain and would require substantially more research before any conclusions can be drawn. Other studies highlight structural and historical influences, suggesting that multiple factors may interact in complex ways that cannot be understood in isolation. Regardless of whether explanations emphasise historical, structural, or genetic dimensions, colonial-era assumptions continue to shape public perceptions, and, in some cases, Indigenous individuals' own understandings of themselves and their relationship to alcohol. Further research is therefore needed to clarify these dynamics and to better understand the underlying causes.[25]

Healing Forward: Culture, Autonomy, and Collective Wellbeing

While multiple factors, including structural conditions shaped by colonial histories, contribute to alcohol-related harms among Indigenous peoples in North America and Greenland, the key question is how commu-

17 Dressler (n 15); 'Struggles with poverty in Greenland' (The Borgen Project) https://borgenproject.org/struggles-poverty-in-greenland/ accessed 30 November 2025.

18 Ibid.

19 Peter Bjerregaard and Christina Viskum Lytken Larsen, 'Health Aspects of Colonization and the Post-Colonial Period in Greenland 1721 to 2014' (2016) 10(2) Journal of Northern Studies. 104 https://journals.ub.umu.se/index.php/jns/article/download/848/414 accessed 30 November 2025.

20 Richer and Roddy (n 1) 2–3.

21 Ibid., 2-3.

22 World Health Organization (WHO Commission on Social Determinants of Health) https://www.who.int/news-room/fact-sheets/detail/social-determinants-of-health accessed 30 November 2025.

23 Vivian M S Gonzalez and Monica C Roddy, 'Endorsement of the "Firewater Myth" Affects the Use of Protective Behavioral Strategies Among American Indian and Alaska Native Students' (2019) Addictive Behaviors 8 -10.https://www.researchgate.net/publication/330568311_Endorsement_of_the_firewater_myth_affects_the_use_of_protective_behavioral_strategies_among_American_Indian_and_Alaska_Native_students accessed 1 December 2025.

24 Ibid.

25 Ibid.

nities can move forward. Emerging research suggests that healing is most effective when grounded in cultural traditions, community knowledge, and holistic understandings of wellbeing. Although evidence remains limited, several components consistently appear important:[26]

- **Culturally tailored interventions** – Programmes that incorporate Indigenous languages, values, and cultural practices may improve treatment engagement and outcomes.[27]
- **Community-led programme design** – Interventions should ideally be developed with Indigenous communities and organizations, rather than imposed on them.[28]
- **Recognition of past trauma and historical relevance** – Effective approaches acknowledge the role of historical trauma, cultural loss, colonial legislation, and socioeconomic marginalisation.
- **Continued research** – There remains a need for stronger evidence on how culturally tailored programme's function, including their benefits and potential challenges.[29]
- **Support for Indigenous-led healing and self-determination** – Greater support and prioritised funding are needed to understand the importance of Indigenous cultural frameworks in healing from alcohol-related harm and to strengthen self-determination.[30]

In the end, the core sentiment is this: if stereotypes were historically constructed through colonial policy, then dignity, culture, and self-determination must be the tools used to dismantle them. Supporting and affirming Indigenous-led healing processes, long overlooked, remains essential.

26 Richer and Roddy (n 1) 2–3.

27 Ibid., 11-13.

28 Ibid., 11-13.

29 Ibid., 11-13.

30 Ibid., 11-13.