

An International Criminal Court for Indigenous Women

By Melissa Farley, Ph.D. and Jeri Moomaw

ABSTRACT

Indigenous women sit at the crux of state violence, disproportionately subjected to legal disempowerment, human rights violations, economic disenfranchisement, and environmental destruction. Existing international legal systems do not account for this gender disparity, nor do they recognize cases of ecocide, culturicide, or state-reinforced domestic violence. Studies in sexual violence prove that human trafficking and forced sterilization contribute to the racialized criminalization of Indigenous women and inflict cycles of intergenerational harm. In addition, so-called “sacrifice zones”—regions disrupted by climate catastrophe—exacerbate existing traumas. Lack of secure healthcare, land access, and education further increase the vulnerability of Indigenous women to systemic patterns of abuse. Cases brought forth by the Cinta Larga, Sami, and Kikuyu Nations across the globe highlight the necessity of a forum like the NICT to mediate between victim and perpetrator in these circumstances. The NICT presents an avenue through which these women can confront the perpetrators of these genocidal practices and seek meaningful recourse.

Keywords: Indigenous Women, Gender-Based Violence, Forced Sterilization, Human Trafficking, Sexual Violence, Legal Disempowerment, State Violence Against Women, Intergenerational Trauma, Murdered and Missing Indigenous Women and Girls (MMIWG), Indigenous Feminism

The proposal for an international criminal tribunal for nations is an important element of Rudolph Rýser’s legacy at the Center for World Indigenous Studies (Rýser, 2012). The Nations International Criminal Tribunal (NICT) would offer nations the opportunity to document, publicize, and challenge states’ and other nations’ criminal acts against them, with the hope of justice, similar to the International Criminal Court (ICC). In the face of states’ propaganda

and continued colonization of humans, of other living beings and of land, it is important that nations’ voices are heard and their testimony is documented. The inseparable connection between women, land, and the survival of nations requires Indigenous women’s full access to the NICT. There is a lack of recognition of the ways in which “Indigenous women commonly experience human rights violations at the crossroads of their individual and collective identities.” (Raya, 2006).

United States' colonial policies toward Tribal nations are marked by systemic violence, displacement, and legal neglect. These policies have had severe consequences for Indigenous women, who have endured harms as a result of broken treaties, legal disempowerment and removal of their human rights, economic disenfranchisement, colonial sexism that merged with Indigenous sexism, and environmental violence. Truth be told, "settler colonialism is inherently genocidal, and Indigenous women have borne the brunt of this destruction" (Dunbar-Ortiz, 2014). In this article, we discuss how historical and contemporary USA and other states' colonial policies have harmed Indigenous women, causing sexual violence, including prostitution, economic instability, environmental degradation, and cultural erosion. We strongly favor the establishment of an international court where Indigenous women can seek justice for the genocides resulting from failed policies and unfulfilled treaties. The NICT would adjudicate specific charges of ecocide and culturicide, that is, crimes against nature and culture, especially matriarchal traditions and historical memories. At this time, the International Criminal Court (ICC) charter does not include ecocide and culturicide in its adjudicable categories. And the Universal Declaration of Human Rights does not include ecocide in its definition of genocide, which includes only lethal violence against humans. But the destruction of Indigenous lands, water, and other nonhuman

living beings—ecocide—is inseparable from the genocide of Indigenous people (Eichler, 2020). Our resistance to colonization, genocide, and ecocide depends on recognition of the connection between women and the earth. "Women carry the babies of nations and those babies are the ones who hold the land for the next generation. If you [colonizers] destroy the women, you destroy the nations, and then you get access to the land." (Lako'tsira:reh Amanda Lickers Turtle Clan, Seneca, as cited in Konsmo & Pacheco, 2016).

Many cultural teachings emphasize that land is not something to be owned but rather something to be cared for and preserved for future generations. This concept, often expressed through the "Seven Generations" philosophy, teaches that decisions made today must consider the impact on

our descendants. As Lakota leader Crazy Horse said, "One does not sell the earth upon which the people walk." To Indigenous nations, land is not just property—it is the foundation of existence, tied to spirituality, identity, sustenance, governance, and future survival. Losing land is not just about displacement; it is about cultural erasure, making the ongoing fight for land rights an urgent matter of justice and survival.

Below, we describe human rights violations and other harms that we view as adjudicable complaints that could be brought on behalf of Indigenous women to an Indigenous international criminal court.

Humans have a right to food and shelter. The denial of these basic rights justifies a complaint to NICT on behalf of Indigenous women.

The denial of the right to housing is a cause for international condemnation. Indigenous women's lack of housing should be condemned and reversed. The human right to housing has been acknowledged in the Universal Declaration of Human Rights, which specifies the right to a standard of living that includes food, clothing, housing, medical care, and necessary social services (United Nations, 1948). In a similar document, the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR) states that some people "cannot threaten other peoples' health or their right to life" (Caney, 2010).

There is much evidence that Indigenous people, through the theft of their land, have been driven into homelessness. For example, although Indigenous Americans in Minnesota constitute only 1% of adults and 2% of youth in the general population, they constitute 11% of homeless adults and 20% of homeless youth (Minnesota Coalition for the Homeless, 2008; Wilder Research, 2010). Minnesota Native youth are noticeably over-represented among the homeless (Koepplinger, 2009).

Indigenous women's attempts to obtain food and shelter sometimes result in their prostitution to meet basic needs. Until we better understand poverty, there will be an inevitable failure to understand what leads women "to take an active

part in exposing themselves to the violation of their basic human rights," as in poverty-generated prostitution, which includes displaced women (Lavee & Benjamin, 2017; McAdam, 2016). Poverty researchers and governments have not yet defined coerced sex resulting from material scarcity as a violation of women's human rights. The myth of freely chosen prostitution allows even human rights advocates to dismiss the most frequent reason for women's prostitution: a poverty-driven need for food and shelter that results in tolerating sexual assault in exchange for survival needs. Prostitution has been erroneously framed as an institution that benefits poor or unhoused women, rather than one that harms them.

Failure to protect Indigenous women from prostitution and other forms of male violence are crimes against Indigenous women.

Reflecting lethal contempt against a prostituted Ojibwe woman, a sex buyer said, "I thought we killed all of you." (Farley, Matthews, Deer, et al., 2011)

The intersection of colonial policies with the exploitation of Native women in prostitution and human trafficking reflects the systemic cruelty of the harm inflicted on them. Indigenous women and girls are disproportionately targeted by pimps and traffickers due to a combination of historical marginalization, Native and non-Native sexism, legal loopholes, and the ongoing economic and social disenfranchisement of Indigenous communities. Native women in the USA are 2.5

times more likely to experience sexual violence than non-Native women (Amnesty International, 2021). Women and girls are 40% of sex trafficking victims in some USA regions, despite comprising only 2% of the population (Urban Indian Health Institute [UIHI], 2020).

Native women are disproportionately represented in prostitution and sex trafficking. Studies indicate that Indigenous women and girls are targeted at much higher rates than other demographics, particularly in urban centers and areas with a high presence of extractive industries (Farley et al., 2011). The historical marginalization of Native women, coupled with legal loopholes and jurisdictional confusion, makes them particularly vulnerable to exploitation.

Traffickers often exploit the legal gaps created by federal policies to prey on Native women and girls, moving them between jurisdictions to avoid prosecution (National Congress of American Indians [NCAI], 2016). “Human trafficking in Native communities is not a new issue—it is an extension of the historical exploitation of Indigenous women” (Lucchesi & Echo-Hawk, 2018).

Recent data shows that Native women are ten times more likely to be victims of human trafficking than other racial groups (UIHI, 2020).

In Canada, Indigenous women are seven times more likely to be killed than non-Indigenous women (Amnesty International Canada, 2014). The North American campaign to publicize and condemn the deaths of Murdered and Missing

Indigenous Women and Girls (MMIWG) has been declared a human rights crisis, stemming from racism and sexism, unequal human rights of Indigenous women, the historic and ongoing mass removal of Indigenous children, the many Indigenous women in Canadian prisons, and the inadequacy of police responses to violence against Indigenous women (Amnesty International, 2007, 2014).

Prostitution is a sexually exploitive, often violent economic option most often entered into by those with a lengthy history of sexual, racialized/colonial, and economic victimization. Prostitution has rarely been included in discussions of sexual violence against Native women. It is crucial to understand the sexual exploitation of Native women in prostitution today in its historical context of colonial violence against nations. In a research study of 105 Native women who were prostituted in Minnesota, 98% had been homeless and 62% saw a connection between prostitution and colonization, explaining to interviewers that the devaluation of women in prostitution was identical to the colonizing devaluation of Native people. A third of the women felt that cultural or spiritual practices were important for their identity, and often, for their healing from prostitution (Farley, Matthews, Deer, et al., 2011).

The Minnesota Native women who had been prostituted were in an almost constant state of revictimization. The assaults against them were part of a lifetime surround of exploitation and abuse. 79% of the women had been sexually abused as children by an average of four men.

More than 33% of the women had mothers or grandmothers who were placed in boarding schools, and 25% of their grandfathers had been in boarding schools. The violent assault on children, their families, cultures, traditions and languages which was suffered by Indigenous people in boarding schools has had a devastating effect on all aspects of women's existence. Like poverty, prostitution is intergenerational. 57% of 105 Indigenous women in one research study had family members also involved in prostitution. These included cousins, sisters, mothers, aunts, nieces, grandmothers, and daughters (Farley, Matthews, Deer, et al., 2011).

Indigenous women in colonized regions are more likely to be victims of prostitution and trafficking than non-Indigenous women (Deer, 2010). Experts acknowledge that Native women and girls are disproportionately impacted by prostitution. The Anchorage Police Department and the Federal Bureau of Investigation found that Alaska Native women and girls are approximately 33% of all prostituted and trafficked women in Anchorage (DeMarban, 2010). Yet Alaska Native people make up slightly less than 8% of the population in that city (U.S. Census Bureau, 2010). And 52% of women in a study of Vancouver prostitution were First Nations women (Farley, Lynne, & Cotton, 2005) compared to population estimates reporting that only 7% of Vancouver's people are First Nations (Vancouver/Richmond Health Board, 1999). In New Zealand, 7% of the Christchurch population was Maori women but 19% of those in Christchurch prostitution were Maori (Plumridge & Abel, 2001). Maori women in prostitution were

significantly more likely than European-ancestry New Zealanders to have been re-victimized. The authors interpret this to reflect the vulnerability of Aboriginal women resulting from their poverty and lack of access to other opportunities because of racism (Nixon, Tuttly, Down, et al., 2002). In the 1990s, Atayal and other Indigenous girls comprised 70% of those in Taiwanese debt-bondage prostitution, although they were fewer than 2% of the total population (Hwang & Bedford, 2003).

Feminist prostitution survivor Alike Kinan sued the Argentinian city she lived in for failing to protect her from pimps. She won. This is cause for hope for similar complaints that could be brought on behalf of Indigenous women who have been prostituted and trafficked, with no protection from either nations or states. Kinan noted that in prostitution, sex buyers paid money to conceal the sexual attack inflicted on her and others. Prostitution was male domination over women, with added humiliation. She noted that while it's easy to enter prostitution, surviving the system is complicated, and exiting prostitution requires a "titanic commitment." The state's failure to hire trained civil servants resulted in additional stigma and harms to the victim of prostitution, which Kinan described as "abandonment by the state" (Kohan, 2022).

The failure of both Indigenous and non-Indigenous people to focus on Indigenous women's lives and the violence perpetrated against them as women, sets the foundation for the violence of prostitution. The reality of male violence against Indigenous women is that Indigenous men, like other men, commit violence

against Indigenous women (Smiley, 2022). When prostituted Native women described the ethnicity of their sex buyers in the USA, a majority were White European-American (78%) or African American (65%) but also Latino (44%), Native American (24%), or less frequently Asian (9%) (Farley, Matthews, Deer, et al., 2011).

“The reminders about how unfair the world is to *him* due to racism and classism sends a message, loud and clear, to Indigenous women: the reputation of Indigenous men is more important than your bodily autonomy, safety, and well-being (Bell & Nelson, 1989, as cited by Smiley, 2022). As a result, Indigenous women are discouraged from speaking out against male violence in their families, communities, and nations. Indigenous men have colluded with white men to institutionalize male domination to their benefit. A decolonizing feminist methodology acknowledges the connections between male violence against Indigenous women and male violence against non-Indigenous women (Smiley, 2022).

Criminalizing their victimization is a harm perpetrated against Indigenous women in prostitution and should be adjudicated at NICT.

Of 105 North American Indigenous women who were prostituted, 88% had been arrested as adults. The arrest and prosecution of victims is counter-productive and exacerbates their problems. Once a woman has an arrest on her record, especially if she is older than age 18, a criminal record is a barrier to obtaining affordable housing, employment, and frequently

even essential social services. As an Indigenous woman in Minnesota said, “We need people with hearts.”

In one Minneapolis neighborhood, Native women accounted for 24% of the women on probation for prostitution even though they comprised only 2% of the overall Minneapolis population (Bortel, Ellingen, et al., 2008).

A research study found that 52% of 105 Indigenous women in Minnesota had been arrested as children an average of 8 times. Several had been arrested for prostitution as children. Their prostitution was seen as a crime rather than being understood by the police or social services staff as sexual assault on a child.

Attempted genocide via restricting birth rates is an actionable crime against nations.

Among the acts of genocide in Article II (d) of the UN Convention on Genocide are measures that are intended to prevent births within the group. These acts are committed with the intent to destroy a target group in whole or in part (Wolfe, 2006). Genocide includes the imposition of measures intended to prevent births within a targeted group. Wolfe (2006) documented birth prevention measures that were perpetrated against Australian Aboriginal nations, a fact that has often been ignored in Australia.

In the 1960s and 1970s, between 3400 and 70,000 Native women in the USA—out of only 100,000 to 150,000 women of childbearing age – were coercively or unknowingly sterilized

permanently by tubal ligation or hysterectomy. Seeking treatment in Indian Health Service hospitals, the Native women were lied to by physicians and were not given informed consent or the right of refusal, prior to sterilization (Ralstin-Lewis, 2005).

This genocidal practice against Native women has also occurred and has been hidden in Canada (Stote, 2015; Clarke, 2021). Forced sterilization has been practiced by Peruvian state policy against Indigenous nations, a practice which has been characterized as sexual violence against Indigenous women, a violation of Indigenous peoples' rights and a crime against humanity (Carranza Ko, 2020; Labrin, 2008). Forced sterilization of Indigenous women has been practiced in Mexico (Zepeda & Marin, 2017; Carranza Ko, 2020). The British castrated

Indigenous men and killed children of the Kikuyu and Maasai nations (Balint, 2016). Argentinian military agencies imposed the separation of Indigenous men, women, and children as a “tactical means of dissuasion and repression.” It was expected that, once separated, Indigenous women would no longer be able to give birth to a future generation of Indigenous children and thereby slowly diminish the numbers of the group (Delrio, Lenton, Musante, et al., 2010)

The zoning of so-called ‘sacrifice zones’ poses a lethal threat to Indigenous women.

States' extraction projects that zoned poisons into the lands and neighborhoods of Indigenous women have facilitated genocide. In Canada, for example, “your postal code determines your health.” (Waldron, 2018).

Links Between Broken Treaties, Environmental Violence, and Indigenous Women's Vulnerabilities

Environmental Violence	Outcomes for Native Women
Industrial pollution and toxic exposure	Increased rates of birth defects, infertility, cancer, and respiratory diseases
Resource extraction sites & “man camps”	Higher incidence of Murdered and Missing Indigenous Women and Girls (MMIWG)
Economic instability from land loss	Increased poverty, crime rates, and substance abuse
Environmental displacement	Heightened mental health crises, suicide rates, and cultural erosion
Criminalization of Native people	Mass incarceration, particularly of Native women
Cultural assault	Severance from land, traditions, and identity, leading to intergenerational trauma

Ecosystem disruption and destruction are paralleled by social disruption and destruction (Morgan, 2019). Entire social systems are harmed, leading to high rates of childhood sexual abuse and neglect, domestic violence, and other indicators of damage to individuals and cultures (Poupart, 2003; Pretty Sounding Flute, 2000; Smith, 2015, 2003). The long-term impact of colonial resource extraction is evident in Zambia. The British mining of copper and aluminum poisoned the land and destroyed traditional agricultural practices. After the colonists abandoned Zambia, illegal mining continued along with massive environmental degradation, government corruption and human rights violations (Vidal, 2015).

It has been predicted that by 2050, there will be one billion environmental migrants who seek to escape droughts, fires, desertification/dust storms, crop failure, sea-level rise, hurricanes, and floods (Bassetti, 2019). Climate crises increase Indigenous women's vulnerability to sexual assault and sexual coercion including prostitution (Deer & Kronk Warner, 2019; Farley, 2021).

The increasing frequency of ecosystem damage destabilizes nations and entire regions, leading to large-scale involuntary migration, civil and cross-border conflict, and the collapse of social and economic systems. Ecosystem destruction in Thailand, for example, has been linked to trafficking. Corporations that obtain Thai land for industrial shrimp farms have displaced Indigenous people from their homelands, causing deforestation, flooding, and a lack of

local food. Because of the corporate emphasis on monoculture, Indigenous Thai people were fined if they grew fruit trees for their families (O'Brien, 2008). Prostitution, trafficking, and other human rights violations increase as climate refugees are impoverished, displaced, and as they migrate. (Hall, Margaux, & Weiss, 2012).

To decolonize environmental justice, it is necessary to focus first on the material reality of harm to victims and then to also expose the foundational structures of colonization (Álvarez & Coolsaet, 2020). Environmental pollution and the destruction of ecosystems cause contamination, displacement, health problems, and increased violence, all of which undermine Indigenous women's ability to survive and to care for their children (Kuokkanen, 2015). Walters (2022) named the ecocidal political leaders in Australia "climate criminals" who failed to protect the continent from devastating wildfires. Whyte (2022) proposed an approach named 'Kill the Corporation Before It Kills Us.'

Hate crimes against Indigenous women that objectify, dehumanize, and harm them could be brought before NICT. It is necessary to clarify *the profound impact of sexism on colonial racism, on colonial attitudes toward land and Indigenous religions.*

To achieve Indigenous self-determination, Indigenous women's social, economic, civil, and political rights must be addressed (Kuokkanen, 2012). Colonization and sexism are inseparable. Colonial racialized sexism

insisted that Indigenous women were deviant, dirty, and hypersexual. This has had devastating consequences, including the normalization and justification of male violence (Smiley, 2022). Colonialism also promoted stereotyped sex roles, which relegated women to the domestic sphere and reinforced Indigenous men's sexism. Colonial settlers take/ kidnap/purchase/rape "colonial wives," that is, Indigenous women, who were forced to give in to colonists' exploitive demands for food, cleaning, sex, and local knowledge.

Amnesty International (2009) noted five roots of violence against Indigenous women in Canada: racism and misogyny - the foundation for inequality, the mass removal of Indigenous children from their families, the high numbers of incarcerated Indigenous women, and the inadequate police response to violence against Indigenous women. For example, Coos women who were starving in Oregon (because of land theft) prostituted in order to feed their families; Maasai and Kikuyu elders begged the British to return their daughters in Nairobi, strongly rejecting their children's prostitution (White, 1990); French fur trappers in Canada used their Indigenous "wives" as servants, translators, guides, cultural mediators, and objects for sexual use.

The International Indian Treaty Council (IITC) has worked to broaden the understanding of *sex-based environmental violence* so that expression becomes just as accepted as the term *environmental racism*. Sexual violence is crucial to understanding environmental violence; it includes resource extraction's impact on both

Indigenous biology and culture. Previous research on environmental violence separated sexual violence harms from other adverse physical health impacts of environmental violence. Both types of impacts must be taken into account and their connections to land rights should also be acknowledged (Konsmo & Pacheco, 2016).

Women's rights are defined as human rights in CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women, 1980). Indigenous peoples' human rights have been codified in the United Nations Declaration on the Rights of Indigenous Peoples. Like CEDAW, the development of the Declaration on the Rights of Indigenous Peoples was driven by a recognition that previous approaches to human rights had failed to adequately protect Indigenous peoples (Kuokkanen, 2012).

Religious and cultural assault that threatens existence of Indigenous women, nations and land

Colonization's violence against Indigenous communities operates "through the reservation system, housing segregation that restricts racialized peoples to neighborhoods with substandard housing, poorly resourced schools and barriers to accessing jobs (Waldron, 2018). In many countries, the boarding school system was a cultural assault on nations via forced assimilation, kidnapping, and the abuse of children and adults. Boarding schools were used as a Christianizing and subordinating strategy to control Indigenous people through heinous crimes. Although the boarding schools in North

America are most familiar to some of us, this method of subordination, assimilation, and cultural genocide of Indigenous nations under the guise of education was also used in Peru, Mexico, Venezuela, Brazil, Australia, New Zealand, Finland, Norway, Sweden, Russia, Vietnam, China (especially during the Cultural Revolution), Palestine, Saudi Arabia, Oman, Iran, Kenya, Djibouti, Eritrea, Botswana, Sierra Leone, and Ghana (Smith, 2009).

To better understand the harms done to Indigenous culture, family, and religion by USA boarding schools, we quote from child welfare experts:

Beginning in the late 1800s, U.S. government policy toward Native American people emphasized forced assimilation into the world of the white man. The Indian boarding school was designed to remove children from the influence of their parents and Tribe and create a new social environment where they could be civilized. Discipline in these schools was harsh and the daily routine rigid. Children were required to speak only English and were punished for using their native language. Their hair, an important cultural symbol, was cut short. Uniforms replaced individually created and uniquely decorated native clothes. Visits home were few and far between. Clearly, the boarding school was an effort to destroy cultural identity; unfortunately, it was quite successful. Many who attended these schools lost touch with their tribal language, religious beliefs, customs, and social norms.

The boarding school experience has had a far-reaching effect on Native American culture and family structure. Those people who spent much of their childhood in boarding schools were deprived of an opportunity to experience family life, and many reached their adulthood with no clear concept of parenting behavior and family functioning. The boarding school effectively destroyed the intergenerational transmission of family and parenting knowledge and behaviors. Now, one or more generations after the boarding school era, many Native Americans are ill-prepared for the parent role.

The boarding schools not only destroyed or distorted the intergenerational (cultural) transmission of family and parenting knowledge and behavior, but they also introduced new and dysfunctional behaviors, such as the use of severe punishment in child rearing. Parents who had as children been spanked and hit while attending boarding school responded similarly to their own children. Before the boarding school era, the use of physical discipline was uncommon in most Tribes.

Even worse, a report published by the National Resource Center on Child Sexual Abuse [1990] cites evidence that many Native American children were sexually abused while attending boarding schools. The introduction of child sexual abuse into tribal communities, where it had not existed before, is especially troublesome:

Native American people tend not to talk openly about sex because sexual matters are highly private matters. This cultural taboo prevents sexually abused children from reporting the offense. For the same reason, adults troubled by childhood sexual abuse avoid using professional services to cope with unresolved issues.

The boarding schools also disrupted the cultural transmission of parent-child attachment behaviors, which has created personal and family problems that have persisted over as many as three generations. As a sad aftereffect of these disruptions, we now see many Native American children being raised by biological parents with few parenting skills; some children are being raised by grandparents who lack real attachment to their own children, the parents of their grandchildren. The lack of parenting skills and the problems in attachment place children at risk of abuse or neglect. (Horejsi, Craig, & Pablo, 1992).

While mandatory boarding school attendance in the USA was discontinued by the late 1960s, many Indigenous people still suffer from the intergenerational impact of systemic abuse and forced assimilation (Yellow Horse Brave Heart & DeBruyn, 1998). Since then, victims of boarding school abuse have filed civil lawsuits in U.S. courts seeking remedies for the violence they experienced in the 1950s and 1960s (Woodard, 2011). These lawsuits would be appropriate for NICT cases of Indigenous women who have been impacted by their own or their relatives' boarding school abuse.

The Christianizing or "civilizing" practice of assimilation in residential schools was a genocidal attack on Indigenous nations. Christianization resulted in a twisted metaphysics that sometimes combined token elements of Indigenous religions but which dismantled women's power, eliminated ceremonies, increased homophobia and resulted in violence to Indigenous people who were seen as primitive or savage and deserving of abuse. The neoliberal/free market agenda of states replaced women's leadership roles with new and subordinate roles, which disrupted the Indigenous cultures, resulting in Indigenous women's increased marginalization, ill-health, sexual exploitation and abuse (Suzack, 2016).

"A nation is not conquered until the hearts of its women are on the ground. Then, it is done, no matter how brave its warriors nor how strong its weapons" (Cheyenne) (Ralstin-Lewis, 2005)

The devaluation of Indigenous women was essential to the ongoing processes of colonization because women were traditionally understood to be life-givers in the metaphysics of many nations. By targeting the social and political status of Indigenous women, white male colonizers interfered with matriarchal cultural transmission from grandmother to mother to daughter (McIvor, 2004; Brodsky, 2016).

Strang (2014) described the transition from egalitarian animism or nature religions to male-dominated and hierarchical belief systems. For example, water, which embodied female energy, became a gift of male gods as agricultural irrigation channeled water for human interests. From being a common good, water became

subject to male property rights under the cosmology of colonial religious cults. Previously understood as the substance of social and spiritual regeneration, water was reframed as an economic asset.

A common metaphysics among Indigenous nations is the personhood of nature. An understanding of the profound connectedness between humans and nonhuman beings provides a foundation for bringing charges against states of genocide as well as culturicide and ecocide. (Eichler, 2020). The settler's ecological systems are unsustainable for Indigenous nations. Evidence for ecocide is in the colonist's way of life, which involves deforestation, extraction, water and land pollution, commodity agriculture, urban sprawl, and automobile use. Forests are cleared for agriculture, mountainsides are stripped for mining, and places of beauty are separated from human non-recreational activities such as Indigenous ceremonies (Whyte, 2016).

Environmental devastation like that of the Energy Transfer Pipeline in North America that drills, fracks, and destroys forests and waterways - functions like a slow genocide, eroding the health of the people, their sovereignty as a nation, and the land, all of which are integral to their national identity. (Eichler, 2020). In Indigenous cosmology, the land has personhood and if the land is a living being possessing power, personality, and agency, then the land is a *member of the community*, not just a landscape. Thus, destruction of the land is not only ecocidal, but also genocidal (Eichler, 2020).

Colonization interferes with the social and ecological contexts that are necessary for Indigenous nations to experience the world "as a place infused with responsibilities to humans, nonhumans and ecosystems" (Whyte, 2018). Indigenous social, religious and ecological metaphysics resist and challenge the colonist's claim to universal property rights, cultural sovereignty, or an honorable religion (Whyte, 2018).

Resource extraction industries result in a loss of traditional practices because the transfer of cultural knowledge is damaged when community members are away from the community for extended periods of time to work for the corporation, or when certain practices, such as fishing, are no longer possible because of pollution, or when Indigenous communities' sense of place is disrupted due to destructive industrial projects (Manning et al., 2018; Nightingale et al., 2017; Vandekerckhove, 2022).

Colonization and the doctrine of discovery

The Doctrine of Discovery was a 15th-century Catholic church policy that justified European colonization by proclaiming the right of Christian states to take possession of non-Christian lands under the pretense of "saving souls." Non-Christians were denied ownership of land, and any territory "discovered" by Christian colonists was claimed by their state. Established through a series of Catholic proclamations, the Doctrine of Discovery justified colonization and forced conversion in Africa, Asia, Australia, New Zealand, and North and South America

by Catholic states such as Spain and Portugal. European settlers stole land from Indigenous nations and then blamed it on the inevitability of “progress” or “civilization.” (Wolfe, 2006; Vandekerckhove, 2022). This colonial ideology was embedded in USA law through *Johnson v. McIntosh* (1823), which ruled that European discovery granted exclusive land rights, stripping Indigenous peoples of ownership. The doctrine’s legacy continues to fuel land dispossession, legal marginalization, and systemic injustices against Indigenous nations worldwide.

Broken treaties and land theft in Canada

Treaties between colonists and Indigenous nations were almost never upheld; the main reasons were that Indigenous claims to land rights and self-determination interfered with colonization and profit making. Since acquiring territory is the core element of settler colonization, then “to get in the way of settler colonization, all the Native has to do is stay at home” (Rose, 1991).

Throughout Canada’s history, the state has violated treaties with Indigenous nations. Land theft has resulted in legal resistance. Between 1871 and 1921, Canada signed 11 treaties guaranteeing limited land access and education, healthcare, and financial support in exchange for Indigenous land. These treaties were usually ignored or misinterpreted in the direction of Canadian settler interests (Royal Commission on Aboriginal Peoples, 1996). The result was intergenerational poverty, which has disproportionately impacted Indigenous women (NWAC, 2021). Canada failed to uphold

the Medicine Chest Clause in Treaty 6, which guaranteed lifelong healthcare. Canada provided inadequate care, contributing to traumatic stress, high rates of addiction and chronic illness (Lux, 2001). These conditions have led to increased vulnerability to the prostitution of Indigenous women (Farley et al., 2011).

The Indian Act of 1876 further restricted Indigenous nations from access to their land. This led to urban migration with little or no cultural support. As a result, Indigenous women make up a disproportionate percentage of Canada’s sex trade (MMIWG, 2019; Truth and Reconciliation Commission, 2015). Legal demands by First Nations in Canada for reparations were estimated at more than \$126 billion (*Restoule v. Canada*, 2018) but the lack of response has left Indigenous women increasingly vulnerable.

The Indian Protection Service (IPS), a problematic agreement between the Cinta Larga nation and Brazil

The Indian Protection Service (IPS) was an agreement between the Cinta Larga nation and the Brazilian state. The Cinta Larga wanted to overthrow the Indian Protection Service (IPS) because an assimilationist philosophy was embedded in the IPS: the assumption that Indigenous nations must be assimilated into state society, made into workers, imitating white people – “a policy that classed them as primitives from an archaic phase of human development rather than as adults capable of choosing their destiny.” Journalist Alex Caudros also wondered why, “in this age of climate crisis, rich countries couldn’t simply pay the Indigenous nations

now preserving the Amazon for free, easing the pressure on them to resort to logging and mining.” This would cover, in Brazil alone, vast areas of rainforest that benefit every nation and state on the planet. Furthermore, he noted that the payments could serve as reparations for the crimes of contact, which were partly financed by the World Bank and USAID (Cuadros, 2024).

Domestic violence against Sami women in Sweden and Norway and violations of Sami land rights

Sami women suffer more physical, sexual, and psychological violence, including intimate partner violence, than non-Sami women (Eriksen et al., 2015; Eriksen et al., 2022). But domestic violence against Indigenous women is less likely to be reported than domestic violence against non-Indigenous women. A mistrust of non-Indigenous authorities, a fear of shaming the Sami community, and the devalued status of women in Sami culture itself – are barriers to Sami women who need protection from domestic violence. (Willis 2011; Barkaskas & Hunt 2017). A Sami woman explained:

They have taken our Sami children to boarding school once. And there is the fear that they will take the children again. And then it becomes a bit more difficult against the authorities. And researchers have come and measured our skulls and noses ...We can go to the doctor with a wound but they have that inherited distrust, in a way. We don't like to talk about our culture because they burned us at the stake in the 17th century because we had a different faith.”

(Brandén, Nilsson, Burman, et al., 2024).

The Sami are a nomadic hunting culture, which has led to their nation's struggles with Norwegian and Swedish control of Sami traditional lands. Sami women, furthermore, describe the reindeer herding culture as sexist. The exploitation of traditional Sami lands, racism against the Sami, and the difficulty of maintaining Sami culture, tradition, and language are the foundation of Sami women's experiences of violence and vulnerability. Sami women fear a loss of culture if they leave a violent relationship. From an Indigenous feminist perspective, this legitimate fear stems from both the sex inequality in Sami culture and the vastly unequal colonial power relations between the Sami and the Swedish and Norwegian states. (Brandén et al., 2024)

The British Empire's crimes against the Kikuyu nation

As the British Empire stole Indigenous traditional lands in British Kenya, the British categorized Kikuyu people as “squatters” who were then forced into wage labor in order to live on their own lands (Anderson, 2004; Kanogo, 1987). In addition to Kikuyu lands, women and girls were also stolen by the British. Kikuyu elders in Nairobi begged British colonists to stop kidnapping and prostituting their daughters (White, 1990). In response to fierce anticolonial rebellion by the Kikuyu and their allies, in 1952, the British detained nearly the entire population of the Kikuyu nation - approximately 1.5 million people. Torture and terror were used to control people in the detention camps (Elkins, 2005). Years later, in 2013, a case was brought and won

against the British colonial government on behalf of more than 5000 claimants—who each won a monetary settlement. The claims documented the colonial crime of torture during British detention of the Kikuyu between 1952 and 1960 (Balint, 2016).

As one of the Kikuyu experts explained to the British court, “Cases of colonial era harm have generally failed to be heard in law. They have either fallen outside dominant understandings of state crime, or outside the abilities of law as an institution to address them. Claims for colonial era reparations have had no hearing.” (Balint, 2016) Records from 37 other Indigenous nations controlled by the British imperial state have been discovered in London. The case of the Kikuyu and many others like it highlight the need for a Nations International Criminal Tribunal.

The obvious solution to a history of broken treaties is to honor the treaties starting now. States should cease subsidizing and incentivizing fossil fuel production. According to the principle of free, prior and informed consent, the UN Declaration on the Rights of Indigenous Peoples, and the Nations International Criminal Tribunal proposed here, states are obligated to respect the rights of Indigenous people to say no to development on their traditional territories.

Earth’s survival is at stake, and “Sustainability includes the traditional practices and knowledge of Indigenous people, and requires rethinking alternatives to the dominant capitalist paradigm based on non-renewable resource dependency as a source of infinite growth” (Mantyka-Pringle, Westman, et al., 2015). A proposal from the

Mi’kmaq nation would ensure Indigenous rights to fishing waters in Nova Scotia. The Moderate Livelihood Fishery is an act of resistance to Canadian water, fishing, and environmental policies and would ensure the implementation of the Indigenous fishers’ rights to Nova Scotian waters (Assembly of Nova Scotia Mi’kmaw Chiefs, 2021; Draus, 2020).

The case for Indigenous feminism and a Nations International Criminal Tribunal (NICT) to adjudicate violations of Indigenous women’s human rights

The violence inflicted upon Indigenous women is not a series of isolated events but a manifestation of systemic and historical oppression. Colonization, broken treaties, forced removals, and state-sponsored violence have created a legacy of harm that continues to impact Indigenous women disproportionately. Indigenous women have long been subjected to human rights violations that include sexual violence, forced sterilization, land dispossession, and trafficking. These crimes are often ignored or inadequately addressed within the legal systems of both states and nations, which fail to provide sufficient protections or recourse for Indigenous women. The creation of an international tribunal dedicated to adjudicating these violations would fill a crucial legal void. The NICT would provide a formal venue for Indigenous women to seek justice, ensuring that their cases are heard and that systemic patterns of abuse are confronted.

The legal precedent for such a tribunal can be found in existing international human rights law. The United Nations Declaration on the Rights

of Indigenous Peoples (UNDRIP) affirms that Indigenous peoples have the right to maintain and strengthen their legal institutions and to receive effective remedies for violations of their rights (UN General Assembly, 2007). However, in practice, the enforcement mechanisms for these protections are weak, particularly in settler-colonial states that continue to deny Indigenous sovereignty. “The justice system has failed Indigenous women. It is time for Indigenous women to reclaim our own systems of justice and accountability” (Jacobs, 2020). The NICT would help bridge this gap by providing an international legal forum where Indigenous women’s rights could be adjudicated.

According to the National Institute of Justice in the USA, more than 84% of Indigenous women experience violence in their lifetimes, often at the hands of non-Native perpetrators who face little to no legal consequences (Rosay, 2016). We note that Indigenous men also perpetrate violence against Indigenous women, as reported, for example, by Anishinaabe women (2011) and Sami women (2024).

The ongoing crisis is a direct result of the legal and political erasure of Indigenous nations and their rights. “The rape of an Indigenous woman has been an expected and tolerated part of colonialism, and as long as tribal governments lack the full authority to prosecute non-Natives who commit these crimes, this epidemic will continue” (Deer, 2015). This systematic lack of legal accountability contributes to intergenerational trauma, as Indigenous women must navigate not only the immediate

consequences of violence but also the long-term impacts of colonial policies that continue to dispossess and marginalize them.

The lack of protection and justice provided by settler governments reveals a fundamental failure to uphold human rights, demonstrating the urgent need for an independent international tribunal that prioritizes Indigenous women’s safety and dignity. The establishment of a Nations International Criminal Tribunal (NICT) would mark a historic step toward justice, holding governments and institutions accountable for these violations.

The displacement of Indigenous communities has particularly devastating consequences for Indigenous women. Land is more than a resource; it is the foundation of cultural identity, economic stability, and spiritual well-being. The Doctrine of Discovery and subsequent land theft have not only stripped Indigenous nations of their territories but have also created conditions where Indigenous women are disproportionately vulnerable to violence and exploitation.

The link between resource extraction and violence against Indigenous women is well-documented. A report by Amnesty International (2016) found that Indigenous women living near oil, gas, and mining projects face increased rates of sexual violence and trafficking. These industries operate in areas where law enforcement is often minimal, creating “man camps”—temporary housing for workers—that have been linked to the targeting of Indigenous women for exploitation. As the Native Women’s Association of Canada (2021) noted, “The theft of our lands is directly

tied to the theft of our bodies. When our lands are violated, so are we.”

This connection between land theft and sex-based violence underscores the need for an international tribunal that can address the full spectrum of colonial harm, from environmental destruction to the exploitation, prostitution, and trafficking of Indigenous women. The NICT would provide legal mechanisms to hold corporations and governments accountable for their role in these abuses, ensuring that Indigenous women are no longer treated as collateral damage in the pursuit of economic gain.

The establishment of an international criminal tribunal (NICT) is not just about prosecuting crimes against nations; it is about educating the public, teaching truthful history, and creating systemic change that acknowledges the injustices

suffered by Indigenous women with the hope that they will not be repeated. The Seven Generations philosophy of the Haudenosaunee reminds us that our actions today must serve the well-being of future generations. “In every deliberation, we must consider the impact on the seventh generation to come” (Lyons, 1992). The NICT would uphold this tradition by creating legal structures that protect Indigenous women now and in the future.

By creating an international legal body that gives voice to Indigenous women, the NICT would contribute to a future where Indigenous nations and their women thrive in dignity, safety, and sovereignty. Indigenous women have survived centuries of oppression, and it is time to recognize their right to seek justice on their own terms. The fight for Indigenous women’s rights is a fight for the future of Indigenous nations.

REFERENCES

- Álvarez, L. & Coolsaet, B. (2020). Decolonizing Environmental Justice Studies: A Latin American Perspective. *Capitalism Nature Socialism* 31(2), 50–69.
- Amnesty International. (2007). *Maze of Injustice: The failure to protect Indigenous women from sexual violence in the USA*. <http://www.amnestyusa.org/pdfs/MazeOfInjustice.pdf>
- Amnesty International. (2009). *No More Stolen Sisters: The Need for a Comprehensive Response to Discrimination and Violence Against Indigenous Women in Canada*. Amnesty International Publications.
- Amnesty International Canada. (2014). *Violence Against Indigenous Women and Girls in Canada: A Summary of Amnesty International’s Concerns and Call to Action*. Submission to the Special Parliamentary Committee on Violence Against Indigenous Women. http://www.amnesty.ca/sites/amnesty/files/iwfa_submission_amnesty_international_february_2014_-_final.pdf
- Anderson, D. (2004). Kenya, 1895–1939: Registration and Rough Justice. In Douglas Hay & Paul Craven (eds.). *Masters, Servants, and Magistrates in Britain and the Empire*. 1562–1955. Chapel Hill: University of North Carolina Press.

- Assembly of Nova Scotia Mi'kmaw Chiefs. (2021, February 3). *Exercising Our Rights to What the Waters Provide*. <https://livelihoodfishery.com/#faq05>.
- Balint, J. (2016). The "Mau Mau" Legal Hearings and Recognizing the Crimes of the British Colonial State: A Limited Constitutive Moment. *Critical Analysis of Law* 3, 261.
- Bassetti, F. (2019). "Environmental migrants: up to 1 billion by 2050." *Foresight*. <https://www.climateforesight.eu/migrations/environmental-migrants-up-to-1-billion-by-2050/>
- Bell, D. & Nelson, T. N. (1989, January). Speaking about rape is everyone's business. In *Women's Studies International Forum* 12 (4), 403-416.
- Bortel, A., Ellingen, M.C., Ellison, R. P., & Thomas, C. (2008). *Sex Trafficking Needs Assessment for the State of Minnesota*. Minneapolis: The Advocates for Human Rights.
- Brandén, J., Nilsson, L. M., Burman, M., San Sebastian, M., & Stoor, J. P. (2024). *Violence Against Sami Women*. Umea University.
- Caney, S. (2010). Climate Change, Human Rights, and Moral Thresholds. In Stephen Humphreys (Ed.) *Human Rights and Climate Change*, 69-90. Cambridge University Press.
- Carranza Ko, Ñ. P. (2020) Making the Case for Genocide, the Forced Sterilization of Indigenous Peoples of Peru. *Genocide Studies and Prevention: An International Journal* 14(2), 90-103.
- Clarke, E. (2021). Indigenous women and the risk of reproductive healthcare: Forced sterilization, genocide, and contemporary population control. *Journal of Human Rights and Social Work*, 6(2), 144-147.
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), adopted 18 Dec. 1979, G.A. Res. 34/180, U.N. GAOR, 34th Sess., U.N. Doc. A/34/46 (1980), 1249 U.N.T.S. 13 (entered into force 3 Sept. 1981).
- Deer, S. (2010). Relocation revisited: Sex trafficking of Native women in the United States. *William Mitchell Law Review*, 36(2).
- Deer, S., & Kronk Warner, E. A. (2019). Raping Indian Country. *Columbia Journal of Gender and Law* 38, 31.
- Delrio, W., Lenton, D., Musante, M., Nagy, M., Papazian, A., & Pérez, P. (2010). Discussing Indigenous genocide in Argentina: Past, present, and consequences of Argentinean state policies toward native peoples. *Genocide Studies and Prevention: An International Journal* 5(2), 138-159.
- DeMarban, A. (2010, October 7). FBI, APD: More Native girls being lured into sex- trafficking rings in Anchorage. *The Tundra Drums*. <http://www.alaskadispatch.com/article/fbi-apd-sex-trafficking-rings-target-rural-girls-new-anchorage>

- Draus, A. (2020). Hundreds Gathered at Halifax Waterfront to Stand in Solidarity with Mi'kmaq Fishers. *Global News Canada*. <https://globalnews.ca/news/7361456/mikmaq-fishers-halifax-rally/>
- Dunbar-Ortiz, R. (2014). *An Indigenous Peoples' History of the United States*. Beacon Press.
- Eichler, L. J. (2020). Ecocide Is Genocide: Decolonizing the Definition of Genocide. *Genocide Studies and Prevention* 14, 2, 104-121. <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1720&context=gsp>
- Elkins, C. (2005). *Imperial reckoning: The untold story of Britain's gulag in Kenya*. Macmillan.
- Eriksen, A. M. A., Melhus, M., Jacobsen, B. K., Schei, B., & Broderstad, A. R. (2022). Intimate partner violence and its association with mental health problems: The importance of childhood violence –The SAMINOR 2 Questionnaire Survey. *Scandinavian journal of public health* 50(8), 1179–1191.
- Eriksen, A. M. A., Hansen, K. L., Javo, C., & Schei, B. (2015). Emotional, physical and sexual violence among Sami and non-Sami populations in Norway: The SAMINOR 2 questionnaire study. *Scandinavian journal of public health*, 43(6), 588-596.
- Farley, M. (2021). Making the connections: resource extraction, prostitution, poverty, climate change, and human rights. *The International Journal of Human Rights*, 1-24. <https://prostitutionresearch.com/making-the-connections-resource-extraction-prostitution-poverty-climate-change-and-human-rights-2/>
- Farley, M., Lynne, J., & Cotton, A. (2005). Prostitution in Vancouver: Violence and the colonization of First Nations women. *Transcultural Psychiatry*, 42, 242-271.
- Farley, M., Matthews, N., Deer, S., Lopez, G., Stark, C. Hudon, E. (2011). *Garden of Truth: The Prostitution and Trafficking of Native Women in Minnesota*. Panel and Research Report presented October 27, 2011 at William Mitchell College of Law, Saint Paul, MN. Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research & Education. https://prostitutionresearch.com/wp-content/uploads/2011/10/Garden_of_Truth_The-Prostitution-and-Trafficking-of-Native-Women.pdf
- Hall, M.J. & Weiss, D.C. (2012). Avoiding adaptation apartheid: Climate change adaptation and human rights law. *Yale Journal of International Law* 37, 309.
- Horejsi, C., Craig, B., & Pablo, J. (1992). Reactions by Native American parents to child protection agencies: cultural and community factors. *Child Welfare*, 71(4), 329-342.
- Huhndorf, S. M. & Suzack, C. (2011). Indigenous feminism: Theorizing the issues. In C. Suzack, S.M. Huhndorf, J. Perreault & J. Barman (Eds.) *Indigenous women and feminism: Politics, activism, culture* (pp. 1-20). UBC Press.
- Hwang, S. L. & Bedford, O. (2003). Precursors and pathways to adolescent prostitution in Taiwan. *Journal of Sex Research*, 40(2), 201-210.

- Koepplinger, S. (2009, Dec. 7). *Native women travel a violent road*. Minnesota Public Radio News. <http://minnesota.publicradio.org/display/web/2009/12/07/koepplinger/>
- Kohan, M. (2022, June 16). Alike Kinan, Victim of Trafficking: “Men have to be aware that you cannot pay to rape”. *Publico*. <https://www.publico.es/mujer/alika-kinan-victima-trata-hombres-conciencia-no-pagar-violar.html>
- Kanogo, T. (1987). *Squatters and the Roots of Mau Mau, 1905–63*. Nairobi: East African Educational Publishers
- Konsmo, E. M., & Pacheco, A. K. (2016). Violence on the land, violence on our bodies: Building an Indigenous response to environmental violence. *Women’s Earth Alliance Native Youth Sexual Health Network*. <http://landbodydefense.org/uploads/files/VLVBReportToolkit2016.pdf>
- Kuokkanen, R. (2015). Gendered violence and politics in Indigenous communities: The cases of Aboriginal people in Canada and the Sámi in Scandinavia. *International Feminist Journal of Politics*, 17(2), 271-288.
- Kuokkanen, R. (2012). Self-determination and Indigenous women’s rights at the intersection of international human rights. *Human Rights Quarterly*, 34(1), 225-250.
- Labrín, J. B. (2008) *Justicia de Genero: Esterilización Forzada En El Perú: Delito de Lesa Humanidad*. Lima Editorial Linea Andina.
- Land Back. (2021, May 4). Indigenous Lands back in Indigenous hands. *Land Back - Manifesto*. <https://landback.org/manifesto/>
- Lavee, E. & Benjamin, O. (2017). Between social rights and human rights: Israeli mothers’ right to be protected from poverty and prostitution. *Journal of Comparative Family Studies* 48(3), 315-326.
- Lucchesi, A., & Echo-Hawk, A. (2018). *Missing and Murdered Indigenous Women & Girls: A Snapshot of Data from 71 Urban Cities in the United States*. Urban Indian Health Institute. <https://www.uihi.org/resources/missing-and-murdered-Indigenous-women-girls/>
- Manning, S., Nash, P., Levac, L., Stienstra, D., & Stinson, J. (2018). *A literature synthesis report on the impacts of resource extraction for Indigenous women*. Canadian Research Institute for the Advancement of Women. http://fnn.criaw-icref.ca/images/userfiles/files/REVISED%20Literature%20Synthesis%20Report_CEEA_Jan2019.pdf.
- Mantyka-Pringle, C. S., Westman, C. N., Kythreotis, A. P., & Schindler, D. W. (2015). Honouring Indigenous treaty rights for climate justice. *Nature Climate Change*, 5(9), 798-801.
- McAdam, J. (2016). From the Nansen initiative to the platform on disaster displacement: Shaping international approaches to climate change, disasters and displacement. *University of New South Wales Law Journal* 39, 518.

- McKay, M.C. & Benjamin, C. (2010). A Vision for Fulfilling the Indivisible Rights of Indigenous Women, in Hartley, J., Joffe, P., & Preston, J. (Eds.), *Realizing the UN Declaration on the Rights of Indigenous Peoples: Triumph, hope, and action*. University of British Columbia Press. Jackie
- Minnesota Coalition for the Homeless. (2008). *Homelessness in Minnesota*. <http://www.mnhomelesscoalition.org/facts/homelessness/>
- Morgan, D. (2019). Personal Communication.
- National Congress of American Indians (NCAI). Pytalski, S., Burns, C., & Villegas, M. (2016). *Tribal Insights Brief: Human Trafficking*. <http://www.ncai.org/policy-research-center/research-data/pre-publications/TraffickingBrief.pdf>
<http://hdl.handle.net/20.500.11990/614>
- Nightingale, E., Czyzewski, K., Tester, F., & Aaruaq, N. (2017). The effects of resource extraction on Inuit women and their families: Evidence from Canada. *Gender & Development*, 25(3), 367-385.
- Nixon, K., Tuttly, L., Down P., Gorkoff, K., & Ursel, J. (2002). The Everyday Occurrence: Violence in the Lives of Girls Exploited Through Prostitution. *Violence Against Women* 8(9), 1016-1043.
- OBrien, C. (2008). An analysis of global sex trafficking. *Indiana Journal of Political Science* 11, 719.
- Plumridge, L. & Abel, G. (2001). A “segmented” sex industry in New Zealand: Sexual and personal safety of female sex workers. *Australian and New Zealand Journal of Public Health*, 25(1), 78-83
- Poupart, L. M. (2003). The Familiar Face of Genocide: Internalized Oppression among American Indians, *Hypatia* 18(2), 86–100
- Pretty Sounding Flute, S. (2000). *Honor the Grandmothers: Dakota and Lakota Women Tell their Stories*. Minnesota Historical Society Press, 47–76.
- Ralstin-Lewis, D. M. (2005). The Continuing Struggle against Genocide: Indigenous Women’s Reproductive Rights. *Wicazo Sa Review* 20(1), 71-95.
- Raya, M. I. (2006). Indigenous Women Stand Against Violence. *A Companion Report to the United Nations Secretary General’s Study on Violence Against Women*, 8.
- Romero Zepeda, R. H., & Ortega Marín, B. A. (2017). Vulnerabilidad impuesta y violación sistemática a los derechos de las mujeres indígenas en México [Imposed vulnerability and systemic violation of Indigenous women’s rights in Mexico]. *Revista Medi Electrón*, 39(4), 933– 945.
- Rose, D. B. (1991). *Hidden Histories: Black Stories from Victoria River Downs, Humbert River and Wave Hill Stations*. Aboriginal Studies Press.

- Ryser, R. C. (2012). *Indigenous nations and modern states: The political emergence of nations challenging state power*. Routledge.
- Smiley, C. (2022). *Not Sacred, Not Squaws: Indigenous Feminism Redefined* (Doctoral dissertation, Concordia University). https://spectrum.library.concordia.ca/id/eprint/990510/7/Smiley_PhD_S2022.pdf
- Smith, A. (2009). *Indigenous people and boarding schools: a comparative study*. Prepared for the Secretariat of the United Nations Permanent Forum on Indigenous Issues. https://www.un.org/esa/socdev/unpfii/documents/IPS_Boarding_Schools.pdf
- Smith, A. (2015). *Conquest: Sexual Violence and American Indian Genocide*. Duke University Press.
- Smith, A. (2003). Not an Indian Tradition: The Sexual Colonization of Native Peoples. *Hypatia* 18(2), 70–85.
- Stote, K. (2015). *An act of genocide: Colonialism and the sterilization of Aboriginal women*. Fernwood Publishing.
- Strang, V. (2014). Lording It over the Goddess: Water, Gender, and Human-Environmental Relations. *Journal of Feminist Studies in Religion* 30(1), 85. https://www.researchgate.net/publication/265961638_Lording_It_over_the_Goddess_Water_Gender_and_Human-Environmental_Relations
- Suzack, C. (2016). Human rights and Indigenous feminisms. In *Handbook of Indigenous Peoples' Rights* (pp. 146-163). Routledge.
- Thompson, C. E. (2020). Indigenous Leaders on the Growing 'Landback' Movement and Their Fight for Climate Justice. *Grist*. <https://grist.org/fix/Indigenous-landbackmovement-can-it-help-climate/>.
- United Nations. (1948). *Universal Declaration of Human Rights*. <https://www.un.org/en/universal-declaration-human-rights/>
- Urban Indian Health Institute (UIHI). (2020). *Our Bodies, Our Stories: Sexual Violence Among Native Women in Seattle*. <https://www.uihi.org/health-initiative/our-bodies-our-stories/>
- U.S. Census Bureau. (2010). *State & County QuickFacts, Anchorage Municipality*. <http://quickfacts.census.gov/qfd/states/02/0203000.html>
- Vancouver/Richmond Health Board. (1999). *Healing ways Aboriginal health and service review*. Vancouver Richmond Health Board.
- Vandekerckhove, L. M. (2022). *Mi'Maw Women and Environmental Justice*. Master's Thesis. University of Leipzig. https://scholar.google.com/scholar?hl=en&as_sdt=0%2C5&q=Vandekerckhove+micmac+women+environmental+justice&btnG=

- Vidal, J. (2015). *Zambian Villagers Take Mining Giant Vedanta to Court in UK Over Toxic Leaks*. *The Guardian* <http://www.theguardian.com/global-development/2015/aug/01/vedanta-zambia-copper-mining-toxic-leaks>.)
- Waldron, I. R. G. (2015). Findings from the Series of Workshops ‘In Whose Backyard?’— Exploring Toxic Legacies in Mi’kmaq and African Nova Scotian Communities. *Environmental Justice* 8(2), 33–37
- Waldron, I. R. G. (2018). *There’s Something in the Water: Environmental Racism in Indigenous and Black Communities*. Fernwood Publishing.
- Waldron, I. R. G. (2020). Environmental Justice in Mi’kmaq & African Nova Scotian Communities. <https://www.youtube.com/watch?v=itRiNmoghq8>.
- Walters, R. (2023, March). Ecocide, Climate Criminals and the Politics of Bushfires, *The British Journal of Criminology*, 63(2), 283–303.
- White, L. (1990). *The comforts of home: Prostitution in colonial Nairobi*. University of Chicago Press.
- Whyte, D. (2020). Conclusion: Kill the corporation before it kills us. In *Ecocide*, pp. 146-175. Manchester University Press.
- Whyte, K. (2018). Settler Colonialism, Ecology, and Environmental Injustice. *Environment and Society* 9(1), 125–44.
- Wilder Research (2010). *Homelessness in Minnesota 2009*. St. Paul: Wilder Research Foundation. <https://www.wilder.org/wilder-research/research-library/homelessness-minnesota-2009-study>
- Willis, M. (2011). Non-disclosure of violence in Australian Indigenous Communities. *Trends and Issues in Crime and Criminal Justice*, 405. Canberra, Australia: Australian Institute of Criminology.
- Wolfe, P. (2006). Settler Colonialism and the Elimination of the Native. *Journal of Genocide Research* 8(4), 387–409.
- Woodard, S. (2011, Oct. 7). Sisseton Waypeton Oyate Passes Landmark Sexual-Abuse Statute. *Indian Country Today*. <http://indiancountrytodaymedianetwork.com/2011/10/sisseton-wahpeton-oyate-passes-landmark-sexual-abuse-statute/>
- Yellow Horse Brave Heart, M., & DeBruyn, L. M. (1998). The American Indian holocaust: Healing historical unresolved grief. *American Indian and Alaska Native Mental Health Research*, 8(2), 56-78.

This article may be cited as:

Farley, M., & Moomaw, J. (2025). An International Criminal Court for Indigenous Women. *Fourth World Journal* 25(1),433-456.

ABOUT THE AUTHORS

**Melissa Farley, Ph.D.**

Melissa Farley is a research and clinical psychologist who has published 50 peer-reviewed articles and 2 books on prostitution, pimping/trafficking, and pornography. Dr. Farley founded Prostitution Research & Education in 1995, a nonprofit research institute that conducts original research on the sex trade and provides a free library of information for survivors, advocates, policymakers, and the public.

**Jeri Moomaw**

Jeri Moomaw is a trainer and anti-violence expert who has dedicated her life and work to combating commercial sexual exploitation, human trafficking, gangs and violence against women. With a background in social justice, her work includes human trafficking education, prevention and intervention with tribal Communities, schools, corrections, and community-based non-profits. Her mission is to educate and bring awareness, education and tools to equip communities to help protect themselves against trafficking.