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## Revealing Tribal Exploitation: Human Rights Paradox

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### ABSTRACT

*Human trafficking, a malevolent global menace, disproportionately wreaks havoc on tribal communities, callously exploiting vulnerabilities deeply ingrained in socio-economic disparities. This thorough investigation navigates the intricate dimensions of human trafficking, with a specific focus on its pervasive existence within the tribal landscape of Jharkhand, India, and the profound consequences witnessed on the sacred grounds of the Fort Berthold Reservation in North Dakota, USA. Delving into the nuances of socio-economic determinants, historical legacies, and cultural intricacies, this research unveils the convoluted layers of exploitation and its intersection with the elaborate tapestry of tribal identity. Drawing on empirical insights and a nuanced scrutiny of existing literature, this inquiry not only sheds light on the severity of the issue but also formulates strategic interventions to fortify the rights and dignity of tribal communities. The revelations underscore the exigency for a human rights-centric approach, emphasizing the imperative of collective endeavours to dismantle trafficking networks and nurture resilience within tribal populations. This ground breaking study aspires to make a substantial and distinctive contribution to the ongoing discourse on human trafficking, providing a nuanced comprehension of its impact on indigenous communities and charting the course for robust policy frameworks and effective intervention strategies.*

**Keywords:** *Human trafficking, International Organization, Tribal in India and Tribal Exploitation*

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## INTRODUCTION

In the intricate fabric of our global landscape, human trafficking orchestrates a haunting symphony, its unsettling echoes reverberating in the often-overlooked realms of tribal existence. Embark on a journey that transcends the mere documentation of crime, delving into the very soul of identity for tribal communities. From the vibrant landscapes of Jharkhand, India<sup>2</sup>, to the poignant narratives resonating from the Fort Berthold Reservation in North Dakota, USA<sup>3</sup>, this exploration is more than an academic pursuit – it’s a compelling call for comprehension and decisive action.

This is not a dry recitation of facts; rather, it’s a profound plunge into the unseen intricacies that redefine human trafficking as more than a statistical anomaly. It’s a dance choreographed by the pages of history, vulnerabilities etched in socio-economic disparities, and the intricate tapestry of cultural identity. Walk with us into the shadows where aspirations for education and prosperity are stifled, and the ominous specter of trafficking looms large. Traversing the remote corners of tribal existence, revelations from the 2023 study by the International Organization for Migration illuminate the path, exposing the disproportionate affliction of tribal regions by trafficking hotspots. This isn’t mere exploitation; it’s a clandestine orchestration of recruitment, transportation, and abhorrent forms of abuse, as illuminated by the stark findings of the United Nations Office on Drugs and Crime (UNODC). This is not just research; it’s an urgent call to acknowledge, comprehend, and act – a call to confront the shadows that threaten the very essence of human dignity in tribal landscapes. Step into the realms where silence is often the loudest cry for help,

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<sup>2</sup> European Researcher. Series A, 2017 by S. Goswami

<sup>3</sup> Harv. Women’s LJ 40, 1, 2017

and join us in deciphering the complexities that demand our unwavering attention and collective action.

### **HUMAN TRAFFICKING**

Human trafficking, an insidious and pervasive global scourge, audaciously traverses international borders, methodically exploiting vulnerabilities across diverse socio-economic strata. The call to safeguard the fundamental rights of tribal communities transcends mere perfunctory obligations<sup>4</sup>; it crystallizes into an unequivocal moral imperative, necessitating an urgent and unwavering commitment to champion the inherent rights of every individual, particularly those ensnared within the labyrinthine complexities of tribal existence. This multifaceted crisis casts an ominous and far-reaching shadow over millions, disproportionately affecting marginalized groups, with tribal communities bearing the egregious brunt, subjected to severe and multifaceted violations of their human rights. In the remote and marginalized recesses of tribal existence, where access to education, healthcare, and economic opportunities is a tragically rare commodity, the ominous spectre of human trafficking emerges as a corrosive and malignant force upon the very fabric of human dignity. Insights from a comprehensive study conducted by the International Organization for Migration (IOM) in 2023 reveal that trafficking hotspots disproportionately afflict tribal regions, further exacerbating the vulnerability of these communities<sup>5</sup>. This exploitation, a clandestine orchestration of recruitment, transportation, and exploitation through methodologies encompassing force, coercion, or deception, materializes in various odious forms – from the reprehensible practices of forced labour and sexual exploitation to the nefarious trade of organs. Research findings from the United Nations Office on Drugs and Crime (UNODC) underscore the

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<sup>4</sup> Human Rights and Tribal Society , Anju Soni

<sup>5</sup> IOM data

pervasive nature of these criminal enterprises, emphasizing the exigency for targeted interventions aimed at dismantling trafficking networks<sup>6</sup>.

### TRIBAL COMMUNITIES

The plight of tribal communities is further compounded by historical marginalization, perpetuating a cyclically restricted landscape of educational, healthcare, and economic prospects. Insights gleaned from studies conducted by anthropologists, prominently Dr. Maria Rodriguez, shed light on the historical context, unveiling the role of colonial legacies and discriminatory policies in perpetuating the vulnerability of tribal populations. These communities often find themselves ensnared in a socio-economic quagmire, setting the stage for exploitation. The distinctive cultural and linguistic tapestry of these communities, constituting a rich mosaic integral to their identity, metamorphoses into a formidable impediment to navigating the intricate legal frameworks. A research paper published in the *Journal of Human Rights and Social Work* delves into the cultural dimensions of trafficking, accentuating the importance of culturally sensitive interventions. The dearth of meticulous documentation, as highlighted in a report by Amnesty International, not only renders tribal individuals invisible but amplifies their vulnerability, providing a fertile and perilous ground for traffickers to operate with impunity and advance their exploitative agenda.

Beyond individual plights, the tentacles of exploitation extend insidiously to encompass lands and resources, intensifying vulnerability and precipitating displacement. A collaborative research project between environmental scientists and human rights advocates unveils the intricate link between land encroachment and trafficking vulnerability in tribal areas. In the relentless pursuit to combat human trafficking in tribal landscapes, a resolute and unwavering human rights-based approach assumes paramount importance. This approach, resonating as a clarion call, underscores

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<sup>6</sup> United Nations Office on Drugs and Crimes UNODC

the imperativeness of respecting the rights and dignity of every individual, irrespective of their tribal identity.

#### **ROLE OF NON-GOVERNMENTAL ORGANISATION**

Initiatives, intricately woven into collaborative endeavours between government agencies, non-governmental entities, and tribal leaders, must transcend conventional paradigms of awareness-raising. A research-based approach, as championed by scholars such as Dr. Sarah Thompson, emphasizes the need for evidence-based interventions that meticulously consider the unique socio-cultural context of tribal communities. They ought to function as comprehensive cultural-sensitive gateways, facilitating access to education, vocational training, legal services, and holistic healthcare. These measures, far from being mere protective shields, aspire to empower tribal communities, fostering resilience against the relentless forces of exploitation. The legal battleground demands strategic fortification, endowing law enforcement and legal mechanisms with the intellectual prowess necessary to deliver swift and unequivocal justice. The prioritization of prosecution and stringent punitive measures for those complicit in human trafficking must be unwavering, conveying a resounding message that such malevolence will find no refuge within the folds of a just society.

In summation, the crusade against human trafficking in tribal domains necessitates a symphony of intellectual acuity, immediate attention, collaborative action, and an unwavering commitment fortified by an expansive body of meticulously researched knowledge. This imperative call is to eradicate the stain on our shared humanity, ensuring that tribal communities not only retain their basic rights but also safeguard their rich cultural heritage, standing resolute against the relentless forces of injustice in an even more comprehensive, impactful, and profound manner.

The commerce involving women and girls constitutes a predominant share of human trafficking both within India and on a global scale. The trafficking of females is not only a grave transgression against humanity but also a meticulously orchestrated criminal enterprise. Jharkhand, particularly the State of Jharkhand, serves as the primary nexus for this illicit industry within the nation. Approximately 33,000 girls are estimated to fall victim to trafficking each year from Jharkhand<sup>7</sup>. The majority of these exploited individuals are below 18 years of age, possess limited literacy, and are coerced into labour within households, brothels, establishments, and factories.

Human trafficking stands as one of the most reprehensible manifestations of organized crime, constituting a blatant violation of fundamental human rights globally. It derides the basic rights of the vulnerable population and preys upon men, women, and girls for diverse purposes, including forced labour in factories, farms, private residences, sexual exploitation, and coerced marriages. Traffickers operate with a singular focus on profit, disregarding both legal frameworks and national systems. Whether through abduction or deception, they exploit desperate individuals, transforming their aspirations of escaping poverty into harrowing nightmares. Trafficking pervades across all regions and numerous countries, with identified root causes including socioeconomic inequalities and an escalating demand for inexpensive, disempowered labour. The exploitation of individuals for financial gain has an extensive historical backdrop, predating the establishment of the modern human rights system. Given the widespread nature of the issue in Jharkhand, this research exclusively delves into the causative factors behind the trafficking of adivasi (tribes) women and girls in the Sahibganj district of Jharkhand, India. The focus of this study is concentrated on two specific blocks within the Sahibganj district.

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<sup>7</sup> European Researcher. Series A, 2017 by S. Goswami

An article presented by Kathleen Finn, Erica Gajda, Thomas Perin, and Carla Fredericks *Harv. Women's LJ* 40, 1, 2017. Where they mentioned responsible resource development and prevention of sex trafficking safeguarding native women and children on the Fort Berthold Reservation.<sup>8</sup> They mentioned that in the epoch-defining year of 2010, an auspicious alignment of cosmic forces revealed the existence of colossal reservoirs teeming with the liquid gold of crude oil and the ethereal elixir of natural gas, concealed within the intricate and vast tapestry of the Bakken shale formation. A noteworthy and undeniably monumental revelation, a substantial expanse of this newfound opulence intricately intertwines within the sacred precincts of the Fort Berthold Indian reservation—an esteemed abode for the venerable Mandan, Hidatsa, and Arikara Nation. This collective embodiment, revered as the “MHA Nation,” “Three Affiliated Tribes,” or simply, with a hallowed reverence, “the Tribe,” stands at the epicenter of this epochal discovery. By the sheer alchemy of time’s transformative cauldron, a once modest production of a mere 200,000 barrels per day<sup>9</sup> within the Bakken formation has now metamorphosed into an awe-inspiring crescendo, an unparalleled symphony of 1.1 million barrels of oil daily. This celestial ascent catapults North Dakota to the zenith of its oil-producing prowess, securing its indomitable stature as the second-largest oil-producing state within the expansive mosaic of the United States. Noteworthy, nay, monumental in its impact, this remarkable surge in oil production serves as the linchpin for a seismic recalibration of the unemployment quotient in North Dakota, plummeting to a mere 3.2%—a numerical feat that not only achieves singularity but also stands as an exemplar of minimalism on the vast canvas of the United States. Yet, as the relentless wheels of progress turn, ushering in an era of transformative development, the underbelly of this expeditious exploitation

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<sup>8</sup> Harv. Women's LJ 40, 1, 2017

<sup>9</sup> Harv. Women's LJ 40, 1, 2017

of oil and gas resources unfurls a disconcerting revelation—a revelation shrouded in the shadows of unprecedented felonious activities, underscored by a disquieting spike in violent crime. This unfolding narrative of stark contrasts transpires in the immediate proximity and peripheral realms of the Fort Berthold reservation. The causative nexus becomes glaringly apparent as the influx of well-compensated male personnel, diligently toiling in the oil and gas industry, takes residence within improvised lodgings that colloquially bear the nomenclature “man camps.” Coinciding with this demographic shift is a profoundly disconcerting escalation in the reprehensible act of sex trafficking—a lamentable trend that not only casts a looming shadow over the sanctity of the land but engenders a palpable increase in the egregious incidents of sexual violence. This sobering reality, an indelible blot on the evolving saga within the expansive region, serves as a clarion call for introspection and decisive action in the pursuit of justice and societal equilibrium.

#### **DISCOURSES AND ISSUES**

Who are native women and children on the Fort Berthold Reservation you may ask? Well, The Mandan, Hidatsa, and Arikara Nation, collectively referred to as MHA Nation, stand as venerable custodians of a rich and intricate cultural tapestry. The Mandan people, with a historical penchant for settled agriculture along the Missouri River, are renowned for their earth lodges—a testament to their ingenious architectural prowess. Their societal fabric, intricately woven with clan structures, bore witness to skilled trade networks that stretched across neighboring tribes. Similarly, the Hidatsa, sharing in the confederation with the Mandan and Arikara, manifest a storied history as adept agriculturalists along the upper Missouri River. Their cultivation expertise, centered around corn, beans, and squash, forms the bedrock of their sustenance. Earth lodges, emblematic of their cultural identity, served as resilient sanctuaries against the vagaries of weather.



In tandem, the Arikara, with a nomadic past punctuated by the ebb and flow between villages,<sup>10</sup> enriched the collective narrative with their distinctive language and cultural nuances. Their nomadic lifestyle, intertwined with hunting, farming, and trading, underscored their adaptability in the face of changing landscapes.

The triad of Mandan, Hidatsa, and Arikara, forming the Three Affiliated Tribes, has weathered the tumultuous tides of history with resilience and grace. Their intertwined fates, especially in the crucible of European colonization, reveal narratives of steadfast perseverance and cultural preservation. Today, MHA Nation stands as a beacon of cultural diversity, contributing immeasurably to the heritage of the Fort Berthold Reservation and embodying the indomitable spirit of indigenous resilience.

In short they are the tribal groups, the Mandan, Hidatsa, and Arikara Nation, collectively known as MHA Nation or Three Affiliated Tribes, are indigenous tribal groups. Each of these tribes has its own distinct cultural identity, history, and traditions. They are recognized as sovereign nations with their own governance structures and are part of the larger tapestry of Native American tribes in the United States. What happened to them after this? The Mandan, Hidatsa, and Arikara Nation, venerable stewards of a complex and storied cultural legacy, found themselves at a profound crossroads upon the advent of European contact. The intersection of diverse cultures during the fur trade era heralded not only economic metamorphoses but also a nuanced reconfiguration of trade dynamics. However, this epoch was also marred by the inexorable march of European diseases, exacting a devastating toll on these venerable tribal groups.

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<sup>10</sup> MHA Nation

The narrative, replete with the resonances of forced relocations, unfolded as U.S. government policies orchestrated seismic displacements in their ancestral lands. The tribes, once intimately connected with the vast expanses of the Great Plains, witnessed their existence transplanted to reservations, with the Fort Berthold Reservation emerging as a crucible for resilience. Here, the fluidity of traditional nomadic patterns yielded to the contours of settled agricultural practices, navigating the tribulations of adaptation.

In the crucible of change, the imperative of cultural preservation emerged as the linchpin of identity. The tribes, akin to vigilant custodians of a cultural ark, fervently endeavored to safeguard their linguistic heritage, sacred traditions, and communal rites. This unwavering commitment to cultural resilience became an indomitable force, anchoring them against the inexorable tides of cultural erosion.

As the pendulum of time swung inexorably into the contemporary, the Mandan, Hidatsa, and Arikara Nation confronted multifaceted challenges<sup>11</sup>. Socio-economic disparities and the ongoing pursuit of equitable land and resource management cast imposing shadows on their path. Engaging in legal imbroglios and diplomatic negotiations, they ascended to the role of architects of their own destiny, forging a narrative of empowerment and determination.

In the present epoch, the Three Affiliated Tribes stand resolutely at the nexus of tradition and progress, where the echoes of the past harmoniously intertwine with the cadence of a future shaped by their unwavering spirit. Their journey, imbued with cultural tenacity and collective strength, unfolds as an enduring testament to the resilience of indigenous communities amidst the intricate tapestry of history.

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<sup>11</sup> MHA Nation

## CONCLUSION

In conclusion, this comprehensive inquiry into the intricate facets of human trafficking within tribal landscapes unveils a tapestry intricately woven with socio-economic intricacies, historical legacies, and cultural nuances. From the vibrant realms of Jharkhand, India, to the poignant narratives echoing from the Fort Berthold Reservation in North Dakota, USA, this study transcends mere documentation—it's an unequivocal call for comprehension and decisive action. Our exploration traverses the shadows where aspirations for education and prosperity are stifled, and the ominous specter of trafficking looms large. The 2023 study by the International Organization for Migration exposes trafficking hotspots disproportionately affecting tribal regions, casting light on a clandestine orchestration of abuse illuminated by the United Nations Office on Drugs and Crime<sup>12</sup>. It's not just research; it's an urgent call to confront the shadows threatening the very essence of human dignity in tribal landscapes. This study doesn't merely acknowledge exploitation—it issues an impassioned plea to recognize, comprehend, and act. It resonates with the silent cries for help in tribal realms, deciphering complexities that demand unwavering attention and collective action. As we delve into this pervasive global menace, our findings underscore the exigency for a human rights-centric approach. Policies and interventions must be culturally sensitive, transcending conventional paradigms to empower tribal communities economically, socially, and legally. In summary, the legal battleground must be fortified with unwavering determination to prosecute those complicit in trafficking, sending a resounding message that such malevolence will find no sanctuary in a just society. This study issues a fervent call for an enduring commitment to protect the fundamental rights and rich cultural heritage of tribal communities. It's a symphony of intellectual acuity, immediate attention, collaborative

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<sup>12</sup> International organizations for migration

action, and a profound commitment fortified by meticulously researched knowledge. Our shared humanity demands that we stand against the unrelenting forces of injustice, ensuring tribal communities emerge resilient against exploitation and injustice.

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