

Questions of the members Voordewind (ChristianUnion), Van der Staaij (SGP) en Çörüz (CDA) to the Minister of Foreign Affairs and the Minister of Economic Affairs about the report ‘Understanding Untouchability’ in India (submitted February 8th, 2010).

Answers by the Minister of Foreign Affairs, Drs. M.J.M. Verhagen, 18th March 2010

1. Did you take notice of the recently published report ‘Understanding Untouchability’ of the Indian NGO¹ Navsarjan and the American Robert F. Kennedy Centre for Justice and Human Rights?
2. Are you holding the view - taking into consideration this report but also many other Indian reports as well as the conclusions and recommendations of UN treaty bodies – that caste discrimination is an enormous human rights problem that deserves high priority in Dutch foreign policy?

Answer

Yes I have taken notice of this report. Dutch policy in the area of human rights includes a focus on different forms of discrimination, including discrimination based on work and descent.

3. In what way are you raising ‘caste discrimination’ within the European Union or in which way are you planning to do so, including from the angle of European development co-operation, the political dialogue with India and other caste-affected countries (in particular Nepal, Bangladesh, Pakistan and Sri Lanka), the discussion on corporate social responsibility and the trade relations?

Answer

The European Union discusses human rights, including the problems regarding discrimination based on work and descent, with India during the annual human rights dialogue. Also in several EU Council working groups like the one on human rights (COHOM), this form of discrimination is increasingly more prominent on the agenda. It is being considered how the EU can give further shape to her policy on this issue. The Netherlands will continue its efforts to keep this issue on the EU agenda.

4. Are you willing to take the initiative to a joint letter of the European heads of government to the Indian Prime Minister Manmohan Singh, who called untouchability ‘not only a form of social discrimination’ but also ‘a blot on humanity’, in order to encourage him and where possible to support him in the fight against it?

Answer

In my answer to question 3 I have brought up the efforts of the EU with regard to India related to caste discrimination. In its bilateral contacts with India the Netherlands will continue to ask attention for discrimination based on work and descent. The Netherlands also encourages an open discussion on the subject, as well directly supports NGOs that are engaged on this issue. The Netherlands supports several NGOs that are working to improve the situation of the lowest castes.

5. Are you willing to have an investigation undertaken in India and other caste-affected countries, on the prevention and combating of untouchability practices in development

¹ Non Governmental Organization

programmes of the EU, the World Bank and UN organizations which are supported by the Dutch government?

Answer

Already a lot of research has been done on the caste system by the World Bank, the UN and several non-governmental organizations. I therefore give priority to projects and measures that contribute to countering the caste system because, even though the rights of Dalits seem to be guaranteed on paper, the implementation at the local level is mostly lacking. I thereby note that is not easy to break the age-old caste system and that implementation of national laws often encounters deeply rooted social structures.

6. Are you willing to exert your influence to place the report 'Understanding Untouchability', together with other conclusions and recommendations with regard to India of e.g. UNCERD², on the agenda of the human rights dialogue between India and the EU which will take place at the end of March 2010?

Answer

Yes.

7. Are you willing, through your input as member state of the EU, to make the issue of untouchability, the related violations of human rights and agreements how to combat it, an issue in the context of the negotiations about the EU-India free trade agreement?

Answer

As proposed by the European Commission the EU decided in 2007 to get into negotiations about a free trade treaty with India. Partly at Dutch request it was agreed that the Commission would also examine if India would be willing to sign a comprehensive Partnership and Co-operation Agreement (PCA) with the EU. This relates to the importance to also define a clear position in EU's relation with India on the issues of human rightsⁱ, non-proliferation, the fight against terrorism and the recognition of the International Criminal Court. As I informed you in my letter of 8 June 2009 in reaction to the motion Van Dam (your index nr. 31 985 nr. 1) the reaction is thus far a refusal and it looks like India only wants to come to an agreement on a free trade treaty with the EU. The European Commission will report to the Council on this. The Dutch efforts will continue to aim at legally binding political clauses, including the human rights clause, in the relation between the EU and India.

8. Are you willing to prominently raise the issue of untouchability, including the very bad situation of Dalit women, in your speech during the coming Human Rights Council?

Answer

In my speech during the session of the UN Human Rights Council (HRC) I explicitly asked attention for discrimination based on work and descent and en marge of the HRC I spoke about this issue with the UN High Commissioner for Human Rights, Pillay. Also during the HRC 11 the Dutch, on national title, already drew attention to the situation of groups discriminated on the basis of work and descent, with special attention being paid to women. During session HRC 12 the EU, at the initiative of The Netherlands, asked in her declaration for attention for their situation. The Netherlands will continue to raise this form of discrimination in the framework of the HRC.

² CERD: Committee on the Elimination of Racial Discrimination

9. Can you ensure that the Dutch Embassies in the caste-affected countries regularly report about the issue and can you regularly inform the Parliament about this?

Answer

In the annual human rights report to the Parliament, which will soon send to you, the issue will be dealt with. A clear picture will be given of the efforts of the Dutch Embassies in the field of human rights.

10. Are you willing to bring the Ambedkar Principles (Principles and Guidelines to Address Caste Discrimination in the Private Sector), which were developed by the International Dalit Solidarity Network, to the attention of companies active in India who services from your Ministries and/or who are joining trade missions to India?

Answer

The Ambedkar Principles and the Caste Discrimination Check are posted on the website of the EVD [Export Promotion Service; a government agency]. The Dutch Embassy in India systematically gives attention to CSR and human rights aiming at Dutch companies who are active in India as well as participates in a pilot to strengthen policies in this area. The Ambedkar Principles will actively be brought to the attention of the participants in the economic mission to India beginning of April during the preparatory meeting by means of a presentation by the India Committee of the Netherlands. Also the brochure 'CSR and Dalits' of the Dalit Network Netherlands will be distributed to the participants, as well as other CSR publications, like the CSR Toolkit India, the SER Declaration on international CSR and the OECD Guidelines. During the kick-off briefing in India a Dutch company operating in India will talk about doing business in a sustainable way.

11. Are you willing to answer these questions before the beginning of the coming session of the UN Human Rights Council?

Answer

The UN Human Rights Council started this week.

ⁱ The Co-operation Agreement EU-India from 1994 does include a human rights clause which is considered to be essential