

*To the Chair of the  
House of Representatives  
Binnenhof 4  
The Hague*

*12 March 2013*

*Hereby I present to you the answers to the written questions put by the members Voordewind, Sjoerdsma, Van Ojik, Bonis, Van der Staaij, Van Bommel and Agnes Mulder on sexual violence against women in India and constraints for human rights organizations. These questions were submitted on 28 January 2013 under reference 2013Z01456.*

*The Minister of Foreign Affairs,*

*Frans Timmermans*

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**Answers by Frans Timmermans, Minister of Foreign Affairs, to questions of members Voordewind (ChristianUnion), Sjoerdsma (Democrats 66), Bonis (Labour Party), Van Ojik (GreenLeft), Van der Staay (Reformed Political Party), Van Bommel (Socialist Party) and Mulder (Christian Democratic Appeal) on sexual violence against women in India and constraints for human rights organizations.**

**Question 1**

Are you informed about the gang rape case regarding a female student on the 16th of December 2012 in New Delhi and the following mass protests as well as the previous gang rapes of Dalit women in the state of Haryana?

**Answer**

Yes.

**Question 2**

What are your views on the observations and recommendations in the recently adopted resolution of the European Parliament on violence against women, in particular the recommendation that the EU and its member states should give priority to programmes to combat violence against women in India? How do you want to implement these recommendations? Can the Dutch government give further support to implement the recommendations in the resolution? What role are formal and informal women's organizations and networks playing in this context or what role could they play? How can The Netherlands support these?

**Answer**

The Dutch government supports the resolution of the European Parliament on violence against women in India. Partly because India itself did amend the legislation on violence against women, this issue is on the agenda during the EU-India human rights dialogue. Through FLOW (*Funding Leadership and Opportunities for Women*) and the UN Fund *Violence Against Women*, The Netherlands supports Indian NGOs campaigning for combating violence against and empowerment of women, including the "Ring the bell campaign" of the Indian organization *Breakthrough*.

### **Question 3**

Do you share the observation of the European Parliament that women and girls who are discriminated on the basis of their caste run an even higher risk to become victims of various forms of sexual and other forms of violence and that they are subject to an 'extraordinarily high level of impunity for perpetrators'? Which groups are more vulnerable to sexual and violence than other groups? Are you willing to do further research on this and develop policy on the issue?

### **Answer**

The observation of the European Parliament is also frequently supported by media reports. National legislation for the protection of Dalits is sufficiently present, local implementation however of this legislation is often still inadequate, especially in rural areas. Providing support to vulnerable groups such as Dalit women, is one of the pillars of the international emancipation policy of The Netherlands.

### **Question 4**

In which way is the Dutch government planning to contribute to improving the position of the 100 million Dalit women in India, also in view of the willingness you have shown before to invest in strengthening the position of Dalits?

### **Answer**

The Dutch government is making efforts to ensure that the topic "discrimination based on work and descent" continues to receive attention on the agenda of the EU and UN. The recent resolution adopted in the European Parliament on the situation of Dalits gives clear recommendations for EU's human rights policy. The Netherlands also supports several civil society organizations working for women's rights and also for Dalits.

### **Question 5**

Is the government willing to actively follow the criminal procedures against the winner of the Dutch Human Rights Tulip 2012, Marimuthu Bharathan, and his 23 co-accused and to inform the Parliament in case of new developments, in any case before the end of 2013? Is the government willing to raise the problems that Bharathan is experiencing from the hands of the Indian government – including a ban to organize demonstrations or to participate in it – with the Indian government? If so in what way and within which period of time?<sup>1)</sup>

### **Answer**

Mr. Bharathan was released on bail, with certain conditions by the Indian authorities attached to it. The Netherlands respects the Indian legal system and therefore does not interfere in this ongoing case. The contact with Mr. Bharathan will be maintained also in view of the further development of the Award associated with the Tulip. I will keep you informed about relevant developments.

### **Question 6**

What is your opinion about reports of 7th January 2013<sup>2)</sup> that the Indian government has put 103 Indian NGOs and 24 international donors on a 'suspect list', after having put 77 foreign NGOs on a 'watch list' in March 2012 in combination with visa restrictions<sup>3)</sup> and having cancelled the legal registration in August 2012 of 4,139 Indian NGOs<sup>4)</sup>? Is the government willing to urgently request the Indian government to publish the list of 103 Indian NGOs and 24 international donors? Are you of the view that these steps severely limit the effectiveness of the Dutch private funding channel in India and the operational and political space of civil society organizations?

**Answer**

Strengthening national legislation for NGOs to gain more insight into financial flows and activities, may limit the political and operational space of NGOs and thus hamper their effectiveness.

The Indian government did amend in 2010 the from 1976 dating Foreign Contribution Regulation Act (FCRA) to be able to act effectively against NGOs and organizations which, in the opinion of the Indian government, misused funds from abroad for illegal commercial purposes and were used as a cover for terrorist activities. NGOs that are not allowed anymore to receive financial contributions from abroad do not have a FCRA license and are placed on a public list published on the website of the Indian Ministry of Home Affairs. This list is updated regularly. The article which speaks of a 'watchlist' also containing foreign donors, is known to me. The EU delegation in New Delhi has requested an interview with the Indian authorities on this issue. My opinion on the effect of the legislation in actual practice, will depend on this meeting.

**Question 7**

Are you informed that the *Voluntary Action Network India (VANI)* assumes that the recent reports about NGOs on the suspect list of the Indian government are also aimed to silence the present movement for the rights of women?<sup>5)</sup> Does the government have concrete indications that support to women organizations in India is blocked or being hampered? If so, in which way?

**Answer**

The reports on the website of the *Voluntary Action Network India* about the increasing control on NGOs and voluntary initiatives relating to financial transactions, are known to me. There are at present no concrete indications that there is a specific focus with regard to the functioning of women's organizations.

**Question 8**

Can the government give an overview of international donors known to her who are prohibited from transferring money to Indian organizations or experience considerable difficulties doing that? To what extent are organizations affected who are working on women rights, the rights of Dalits and other human rights issues? How do you more generally view the situation with regard to the issuing of visa by India to Dutch citizens?

**Answer**

There is no list of foreign donors that were prohibited to transfer money to Indian organizations. As indicated in question 6 the Indian government is working with a so-called "recipient list". The EU delegation in New Delhi has requested an interview with the Indian authorities about the problems of foreign donors.

Regarding the visa applications, international law gives countries the sovereign right to admit or prohibit foreigners to enter their territory. It is well-known to me that incidentally Dutch nationals are not admitted to India despite previously awarded visa. For this I refer to the answers given by the Minister of Foreign Affairs to parliamentary questions by the members Omtzigt and Knops (CDA) for "denying access to India of two tutors of the Dendron College in Horst" dated 30 October 2012.

**Question 9**

Is the government of the view that the space and freedom of association and opinion of Indian NGOs and human rights defenders is severely being limited? If so, are you willing to raise this issue explicitly in the European context in order to address this issue with India?

**Answer**

The Dutch government is concerned about legislation in different countries that hinders the freedom of movement and freedom of speech of civil society organizations. This kind of legislation poses a serious restriction on some crucial human rights and on the opportunities for NGOs to discuss them, to raise them publicly and improve them. The Dutch government has raised this issue at the OSCE meeting in December 2012 in Dublin. This subject will remain an issue of discussion via the most effective channels, also within the EU.

- 1) See e.g. speech Jury chair Human Rights Tulip: <http://www.mensenrechtentulp.nl>
- 2) See: <http://www.hindustantimes.com/India-news/NewDelhi/Cash-crimes-Govt-eye-on-103-NGOs/Article1-986373.aspx>
- 3) See: <http://www.firstpost.com/india/can-indian-ngos-continue-to-get-foreign-funds-244867.html>
- 4) See: <http://vaniindia.org/FCRA.pdf>
- 5) See: <http://www.vaniindia.org/pdf/response.pdf>