

# Child labour and the position of Dalits in India

Questions submitted: 16 January 2012

Answers: 13 March 2012

Nr: 2012Z00438

**Questions of the member Voordewind (ChristianUnion) to the Minister of Foreign Affairs and the Deputy Minister of Economic Affairs, Agriculture and Innovation about ‘Child labour and the position of Dalits in India’.**

1

Q: Has it been possible, also in view of your answer to earlier questions<sup>i</sup> about a robust sustainability chapter in the EU-India free trade agreement, to reach an agreement that complies with the motion that has been adopted by Parliament on the issue?<sup>ii</sup> If not, are you going to withhold your support to the agreement? If not, why not?

*A: It has not been possible to finalize the negotiations on the EU-India free trade agreement before the EU-India Summit of 10 February 2012.*

2

Q: Referring to your answer to question 5 about ‘Child labour and the position of Dalits in India’: ‘The Indian government has in recent years introduced legislation to tackle child labour, forced labour and non-discrimination’, can you inform the Parliament which legislation you are referring to and how you assess its implementation?

*A: This refers to the Right to Information Act, the Child Labour Prohibition and Regulation Act and the National Rural Employment Guarantee Act (NREGA). The Indian government takes the necessary measures to curb child labour and discrimination of Dalits, but also notices that lack of capacity and persistent (rural) development problems sometimes obstruct implementation.*

3

Q: Are you, in view of your answer to question 5, of the opinion that the critical report of the International Trade Union Confederation (ITUC) about the implementation of fundamental labour rights in India<sup>iii</sup> is too gloomy about the present situation in India? If so, on which sources do you base your different view and can you send the Parliament your substantiated analyses?

*A: The ITUC report is critical about the implementation of the four fundamental labour rights in India in practice. With regard to combating child labour it is important to recognize that as a result of the Right to Education Act possibly millions of children are now going to school additionally. India has a good set of laws and rules in the area of human rights, but improvements are necessary with regard to their implementation.*

4

Q: What do you, in view of your priority for the four fundamental labour rights, contribute to the better implementation of these rights in India, including via bilateral political contacts, the EU, the UN and the CSR policy?

*A: The Indian government is responsible for the implementation of the four fundamental labour rights. The Netherlands is an active member of UN organizations like ILO, Unicef, UNDP and UNIFEM. These organizations have programmes in India aiming at the implementation of fundamental labour rights. The Netherlands is also actively involved in the preparations of the EU-India human rights dialogue where also fundamental labour rights are on the agenda.*

*In addition the Dutch Embassy in New Delhi supports Dutch companies to improve labour conditions in their supply chain.*

5

**Q:** Can you forward to the Parliament the ‘Studies/analyses that claim that the position of Dalits is improving, for example in the state of Uttar Pradesh’? Are you of the view that those improvements are substantial and will strongly continue with the present approach of the Indian government? Or are you of the view that the Indian administration still needs to step up its efforts substantially to ensure the rights of Dalits in a number of areas?

*A: I am sending you this study ‘Rethinking Inequality: Uttar Pradesh in the Market Reform Area’ as an attachment.*

*The living, working and social conditions of Dalits in the state of Uttar Pradesh are improving. National legislation for the protection of Dalits is sufficiently available, although especially in the rural areas the implementation of this legislation is often inadequate.*

6

**Q:** Does your answer to question 7 about the implementation of the motion on the position of Dalits (‘The human rights strategy of Dutch government states that effectiveness of policy is paramount and that in addition, interventions will be more selective’) imply that you do have the intention to (fully) implement the motion? If so, why not, considering your earlier commitment to implement the motion? If not, what are you going to do to implement the motion?

*A: The Dutch government has made clear choices in the human rights strategy ‘Responsible for Freedom’. In this context it was explained that effectiveness and selectivity are paramount in the implementation of this policy. In response to the parliamentary motion I have decided to financially support the organization International Dalit Solidarity Network (IDSN). In the EU and the UN the issue ‘discrimination on the basis of work and descent’ is on the agenda.*

7

**Q:** Do you plan, both bilaterally and/or together with the European Commission to address the Indian government on the content of the report ‘Torture in India 2011’<sup>iv</sup> of the Asian Centre for Human Rights, which inter alia shows that officially 14,231 persons have been registered since 2001 that have died in police custody or in prison, in almost all cases as the result of torture (figures that, according to the report, show only a ‘small part’ of the real problem)?

*A: During the annual EU-India human rights dialogue, end of March 2012, the issue is on the agenda.*

8

Q: What will be the targeted input of the Dutch government with regard to human rights in the preparation of as well as during the coming EU-India Summit and the human rights dialogue with India in spring?

A: *The Netherlands is making an effort to get its own human rights priorities on the agenda.*

9

Q: Are you willing to send to Parliament an analysis/note about a situation of labour rights and human rights in India and link this to a multi-annual work programme? If not, why not?

A: *In the annual human rights report to the Parliament the Dutch efforts with regard to human rights, also in India, are being mentioned.*

10

Q: Are you willing to answer the questions before 7 February in relation to the EU\_India Summit which will be held in that week?

A: *Unfortunately it was not feasible to answer your questions before the start of the EU-India Summit (10 February 2012).*

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<sup>i</sup> See: <http://www.dalits.nl/pdf/kv111123e.pdf>

<sup>ii</sup> See: <http://www.dalits.nl/pdf/m101215e.pdf>

<sup>iii</sup> See: <http://www.ituc-csi.org/india-workers-rights-require-more.html?lang=en>

<sup>iv</sup> See: <http://www.dalits.nl/111121e.html>