

LIST OF QUESTIONS AND ANSWERS referring to The National Action Plan for Business and Human Rights

Adopted March 4, 2014

The General Committee for Foreign Trade and Development Cooperation has presented a number of questions to the Minister for Foreign Trade and Development Cooperation on the letter of December 20, 2013 referring to the National Action Plan for Business and Human Rights (26 485, no. 174).

[Questions and answers concerning Dalits and caste discrimination]

Questions 61 and 64

Is it your intention – in accordance with the adopted motion Voordewind (32 500 V, no. 110) – only to agree on a free trade agreement between the EU and India if it is, among other things, aimed at the “reduction of child labour, the improvement of the position of Dalits, the availability of medicines for HIV/AIDS and a dispute settlement mechanism; and not to be agree with strongly weakened compromise”. What is India’s position with regard to including human rights in a trade agreement?

Answer

The Netherlands will decide whether it can accept the free trade agreement (FTA) between the EU and India if the negotiating texts of the entire free trade agreement are ready. Since the beginning of these negotiations (in 2007) the Netherlands are committed to a robust sustainability chapter in a free trade agreement with India, as requested in the motion Voordewind. India has repeatedly indicated that it does not want a Partnership and Cooperation Agreement (PCA) beside the FTA. The negotiations on a free trade agreement are difficult and focus on outstanding technical issues. A discussion on the inclusion of human rights in the trade agreement will be conducted in the final stage of the negotiations.

Question 71

Is it your intention in the context of the "due diligence for the government" – in accordance with the adopted motion Voordewind (32 500 V, no. 8) – to ensure that "the fight against caste discrimination is an integral part of the CSR policies of Dutch and European companies, including the supply chains, which are operating in countries where caste discrimination is practiced"? Is support to companies by the Dutch government dependent on this, and if so, how will this be implemented?

Answer

Caste discrimination is a violation of human rights and is prohibited by law in India. The government expects companies to implement the OECD Guidelines. The due diligence that companies are supposed to perform based on the guidelines, also entails that companies must investigate their direct or indirect (risk) involvement in caste discrimination, also in the supply chain, and that their policy must be adjusted on the basis of that understanding to combat existing discrimination and the risk of involvement in discrimination.