

**February 13, 2017**

**Answers by the Minister of Foreign Affairs and the Minister of Foreign Trade and Development Cooperation to**

***Parliamentary questions by the member Voordewind (ChristianUnion) to the Minister of Foreign Affairs and Minister of Foreign Trade and Development Cooperation on the exclusion of civil society organisations by the Indian government (submitted January 31, 2017) [no. 2017Z01359]***

**Question 1**

Do you also find it very worrying that the Indian government tries to exclude and/or oppose civil society organizations, including Amnesty International, Greenpeace, Navsarjan Trust and Compassion, and already freezes financial assets for months now?

**Answer1**

Yes, I find it worrying. An active and vibrant civil society is very important for the sustainable social and economic development of a country.

**Question 2**

Do you acknowledge that the cancellation of the projects of Compassion in India has strong implications for 145,000 children living in extreme poverty? Are you willing to consult with Compassion Netherlands, since the organization has been forced to stop the support in mid-March?

**Answer 2**

In the meantime representatives of the Ministry have contacted Compassion Netherlands. On a short-term there will be consultations in The Hague. The Embassy in New Delhi On February has raised the issue with the Indian authorities on February 3<sup>rd</sup>.

**Question 3**

Do you acknowledge that the discontinuation of the funding to Navsarjan Trust has serious implications for the fight against caste discrimination and access to education for Dalit children?

**Answer 3**

India has over three million social organizations. Many NGOs are concerned with the rights of Dalits and (indirectly) the fight against caste discrimination. Navsarjan Trust is part of the umbrella organization International Dalit Solidarity Network (IDSN) and is one of the organizations dedicated to the above mentioned rights. The discontinuation of the funding of an NGO committed to this rights is certainly regrettable. Fortunately, there are many other organizations working to defend the position of Dalits, including access to education.

**Question 4**

Do you acknowledge that India is acting in violation of international human rights and that freedom of expression and freedom of association are under great pressure?

**Answer 4**

India has a democratically elected parliament, a democratically elected government and an independent judiciary. In addition, there is a vibrant civil society. Freedom of expression is enshrined in the Indian Constitution. Various national media in India play an important role in public debates and inform about abuses. Nevertheless, legislation may possibly restrict freedom of expression when public order is at stake. A law that can restrict the freedom of expression is the *Information Technology Act*. Legislation in India can be reviewed by court for conformity with the Constitution. So the Supreme Court in India has intervened in March 2015 because it considered section 66A of the *Information Technology Act* to be incompatible with the right to freedom of expression as enshrined in the Constitution.

**Question 5**

Are you willing to start discussions with and to put pressure on the Indian government to reverse these measures, particularly the very restrictive *Foreign Regulation and Contribution Act*, as also advised by Marina Kiai, the Special UN Rapporteur on Freedom of Association and Assembly?

**Answer 5**

The Dutch government shares the concerns of UN Rapporteur Maina Kiai about the law aimed at foreign donations as described in "*Analysis on International Law, Standards and Principles applicable to the Foreign Contributions Regulation Act 2010 and Foreign Contributions Regulation Rules 2011*". This law that regulates foreign donations to Indian organizations, may restrict the financing of civil society. The Netherlands has made efforts to draw attention to this situation at various levels in bilateral contacts and at multilateral level and will continue to do so in future. The issue was raised in New Delhi by the Minister for Foreign Trade and Development Cooperation in June 2015, and at senior official level in June 2016. In addition to further discussions on this subject by the Embassy in New Delhi Netherlands the subject will also be raised with the Indian authorities at the next bilateral consultations, currently to be expected in March 2017.

**Question 6**

Are you in addition willing to urge the European Commission to undertake action towards the Indian government and to urge the Indian government on the termination of the freezing of the funds of, inter alia, Compassion and Navsarjan Trust?

**Answer 6**

The government will draw attention at EU level for the restrictions civil society organizations experience by the *Foreign Contributions Regulation Act* and by subordinate regulations of the Indian government. With regard to our bilateral efforts, we refer to question 5.

**Question 7**

Are you willing to answer these questions urgently given the dire situation for the organizations?

**Answer 7**

The questions have been answered as soon as possible.