



Plenary sitting

B8-1079/2016

4.10.2016

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Thailand, notably the case of Andy Hall
(2016/2912(RSP))

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on behalf of the ALDE Group

**European Parliament resolution on Thailand, notably the case of Andy Hall
(2016/2912(RSP))**

The European Parliament,

- having regard to its previous resolutions on Thailand, in particular those of 20 May 2010, 6 February 2014, 21 May 2015 and 8 October 2015;
 - having regard to the statement by the spokesperson for the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Federica Mogherini, of 2 April 2015 on developments in Thailand,
 - having regard to the answer of 15 May 2013 given by the then Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, on behalf of the Commission, on the situation of Andy Hall,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the UN Declaration on Human Rights Defenders of 1998 and the UN General Assembly resolution A/RES/70/161 of 2015,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR) of 1966, to which Thailand is a state party,
 - having regard to the UN Guiding Principles on Business and Human Rights
- A. whereas, in 2013, British migrant rights activist Andy Hall, as a freelance research coordinator for Finnish NGO Finnwatch, published a report on working conditions in the Finnish supply chains; whereas this report, *Cheap Has a High Price*, alleged serious human rights violations and illegal activities at Natural Fruit Company Ltd., a pineapple processing plant in Prachuap Khiri Khan province in South Thailand;
- B. whereas the report outlined as alleged by workers dangerous working conditions in the factory, child labour, illegally low wages with unlawful deductions and discriminatory treatment against migrant workers; whereas National Fruit Company Ltd. within a fortnight of the report being published decided to prosecute Hall;
- C. whereas the Thai Ministry of Labour and numerous migrant company employees from Natural Fruit Company Ltd. giving testimony at trial have confirmed the information in the Finnwatch reports of alleged violations of workers' rights committed by Natural Fruit Company Ltd.;
- D. Whereas Hall nonetheless faced two criminal prosecutions for criminal defamation and under Thailand's Computer Crimes Act and two civil defamation actions by November 2014; Whereas if found guilty of all allegations, Hall could be imprisoned for seven years and fined up to 400 million Thai Baht (10.3 million Euro)

- E. whereas the Prakanong Court in Bangkok dismissed one of the criminal defamation cases brought by Natural Fruit Company Ltd. against Hall on grounds of a flawed in October 2014; whereas this dismissal was then appealed by Thailand's Attorney General and the Natural Fruit Company Ltd. to the Appeals Court and again dismissed; whereas this Appeals Court dismissal was then appealed again by both prosecuting parties to the Supreme Court also;
 - F. whereas in 2015 an Australian and a Thai journalist were taken to court on criminal defamation and computer crimes charges similar to that which Hall was charged for reporting the involvement of Thai naval officers in human trafficking;
 - G. whereas these journalists faced up to seven years in prison and substantial fines, but were acquitted in September 2016 on the basis that they had not committed defamation with the judgement stating that the computer crimes act should not be used in a prosecution alongside criminal defamation laws;
 - H. whereas on 20 September 2016, after judicial processes of over 3 years during which at least 2 migrant worker witnesses of Hall alleged threats to their security and leading businesses from Finland and Thailand spoke out in defence of Hall, the Bangkok South Criminal Thai court found Hall guilty of all charges of criminal defamation and computer crimes, sentenced him to prison for four years and ordered him to pay a 150,000 baht fine (3,861 Euro);
 - I. whereas his prison sentence was reduced by one year to three years due to positive cooperation with the judicial process and then suspended for two years because of his record as a human rights defender and never committing a crime before, a sentence Andy Hall will immediately appeal;
 - J. whereas Natural Fruit Company has filed two additional claims for damages against Hall totalling 400 million baht (10 million Euro) which have been put on hold until the corresponding criminal cases have been concluded;
 - K. whereas the Migrant Workers Rights Network (MWRN), an organisation that Hall is advising, as well as Hall himself and 14 chicken farm workers, according to reports in international and Thai domestic media, face threats of similar and new criminal defamation and computer crimes lawsuits from a chicken supplier in Thailand supplying poultry to the European market;
 - L. whereas Thailand's laws that allow for criminal punishment and imprisonment for defamation are disproportionate in penalty and in breach of international human rights obligations;
1. Welcomes the relationship between the EU and Thailand and repeats the importance of the strong and long-standing political, economic and cultural ties between both parties;
 2. Commends the Thai government for recent positive and proactive actions taken to apply increased rule of law to areas of migrant worker policy and management as well as seek to enhance migrant worker protections, particularly in the seafood and poultry industries;

3. Encourages the Thai government to take all measures necessary to ensure that the rights of human rights defenders are respected and protected and to ensure an enabling environment is created for the realisation of human rights and specifically ensure that the promotion and protection of human rights are not criminalised;
4. Urges the evaluation and reconsideration by the Thai Government of the wording of the crime of defamation in the Penal Code as it contravenes the right to freedom of expression and has a penalty that should be considered as being disproportionate to the crime;
5. Urges the evaluation and reconsideration of the wording of crimes under the Computer Crimes Act as they likewise, in being used in ways not intended when drafting the law, too frequently contravene the right to freedom of expression when being prosecuted alongside criminal defamation as a punitive method of prosecution;
6. Urges the Thai government to promote and respect the freedom to do confidential research in Thailand, develop a whistleblowing protection law and insert public interest defences into relevant laws that can be used to suppress freedom of expression;
7. Condemns the circumstances under which Andy Hall has been charged, arrested and then convicted of crimes related to his human rights advocacy work;
8. Urges the government of Thailand to immediately take whatever action possible to ensure that the unfair prosecution of Andy Hall for criminal charges concerning his human rights and migrant protection work are swiftly dropped;
9. Encourages the government of Thailand to guarantee just and fair procedures and trial for everyone charged of criminal offences; Encourages the authorities in Thailand to guarantee the protection of witnesses at trials; encourages the government of Thailand take measures to ensure the judiciary respect and give proper weight to all evidence brought before a Court by all parties to a case;
10. Encourages the Thai authorities to devise, adopt and implement in law and in practice a holistic, long-term in-bound migration policies as well as responsible migrant recruitment policies for low-skilled migrant workers in accordance with human rights principles and respective of the needs of the labour market. As a matter of urgency, the Thai government should revise the Labour Relations Act with a view to guaranteeing migrant workers equal right to freedom of association as Thai nationals.
11. Notes the need for measures to ensure increased supply chain transparency to overcome EU based customs import data challenges regarding freedom of information for consumers to understand destination of products of suppliers repressing freedom of expression;
12. Supports the EEAS and the EU Delegation as well as the Member State Delegations to ensure the respect for human rights and the rule of law in Thailand;
13. Instructs its President to forwards this resolution to the Vice-President of the commission/High Representative of the Union of Foreign Affairs and Security Policy, the

Commission, the Government and Parliament of Thailand, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights, the International Labour Organisation, and the governments of the Association of Southeast Asian Nations member states;