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*Plenary sitting*

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**B8-1081/2016**

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))

**Heidi Hautala, Barbara Lochbihler, Igor Šoltes, Bodil Valero, Ernest Urtasun, Davor Škrlec, Josep-Maria Terricabras, Bronis Ropé**  
on behalf of the Verts/ALE 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 8 August 2016 on the constitutional referendum in Thailand and 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,
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- having regard to the UN Guiding Principles on Business and Human Rights

A. whereas on 7 August Thai voters approved the new draft constitution prepared by the army-appointed committee as well that the appointed senate should be involved in the selection of the Prime Minister with a reportedly 55% turnout

B. whereas during the campaign period, the authorities reportedly stepped up harassment, detentions and prosecutions of activists and politicians critical of the draft constitution and targeted journalists and news outlets critical of the junta

C. whereas on 28 September 2016, the Thai authorities obstructed the public presentation and launch by a number of foreign human rights experts/researchers of Amnesty International's latest research report documenting torture or abuse of political opponents, migrant workers, suspected insurgents and others at military bases, police stations and detention facilities on a regular basis

whereas, in 2013, British migrant rights activist Andy Hall, as a freelance Thailand based migration expert and researcher for Finnish NGO Finnwatch, contributed to providing raw data from interviews with migrant workers for a Finnwatch written and published report on working conditions in the Finnish supply chains; whereas this report, Cheap Has a High Price, published

online in Finland, 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; whereas the report outlined as alleged by workers who were interviewed 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. denied all allegations and within a fortnight of the report being published by Finnwatch, decided to prosecute Hall;

B. 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 report of alleged violations of workers' rights committed by Natural Fruit Company Ltd.; 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)

C. whereas on 20 September 2016, after judicial processes of over 3 years the Bangkok South Criminal Court found Hall guilty of all charges of criminal defamation and computer crimes in one of the two criminal cases, sentenced him following a reduction in punishment to prison for three years and ordered him to pay a 150,000 baht fine (3,861 Euro) despite Finnwatch giving testimony that Hall did not commit the uploading or distribution of the document he was accused of; whereas one of the Finnish supplier S Group also testified on Hall's behalf; , a sentence he will immediately appeal in accordance with the criminal justice system to the Appeals Court;

D. 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; whereas Natural Fruit Company Ltd. and Thailand's Attorney General have appealed to the Supreme Court another criminal defamation case against Hall relating to his research and a media interview given in Myanmar, already dismissed by the first instance and Appeals Court;

E. whereas the Migrant Workers Rights Network (MWRN), an organisation that Hall is advising, as well as Hall himself and 14 chicken farm workers from Myanmar, according to reports in international and Thai domestic media, face threats of similar and new criminal defamation and computer crimes lawsuits from a Betagro contracted chicken supplier in Thailand supplying poultry to the European market;

F. whereas confiscation of migrant worker's passport, child labor and irregular labor, human trafficking, debt bondage, forced labour, high recruitment and broker fees, underpaid wages, inadequate bathroom facilities, poor workplace safety standards, excessive overtime, failures to provide legally mandated paid sick days, holidays and leave in plants, unlawful deductions from salaries, physical and mental abuse and discrimination are prevalently reported as occurring in Thai workplaces employing migrant workers, as also partly found in the Finnwatch report;

G. whereas Thailand's laws that allow for criminal punishment and imprisonment for defamation are disproportionate in penalty and in breach of the country's international human rights obligations; whereas Thailand's computer crimes act in being used against the intention of the law to supplement the punitive nature of already strict criminal defamation laws;

1. Recalls the longstanding fruitful relationship between the EU and the ASEAN countries and expresses its wish to further intensify political, economic and cultural ties between both parties;
2. Takes act of the adoption of the new constitution, while raising its concern about the moves away from an elective legislative and calls on the government to create the conditions for the promised return to a democratic system;
3. Urges the Thai authorities to implement the recommendations that Thailand accepted during its latest Universal Periodic Review (UPR) 2016 and notably 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 carries penalties that should be considered as being disproportionate to the crime;
4. Expresses its concern about the harassment, detention, torture and legal prosecution of human rights activists and over the continuing repressive measures by the Thai government against critical journalists, human rights activists, researchers and political opponents;
5. Encourages the Thai government to take all measures necessary to ensure that the rights of human rights defenders are respected and that the promotion and protection of human rights are not criminalised;
6. Welcomes the recent decision by the government to stop prosecuting civilians in military courts on offences concerning security, sedition and lèse-majesté offenses and calls on the National Council for Peace and Order to implement the measure retroactively;
7. Urges the Thai government to abolish the crime of defamation and to revise the Computer Crime Act which is currently worded overly broadly, in particular the disproportionate prison sentences for such violation. The use of the Computer Crimes Act in a way it was not intended to supplement or work alongside criminal defamation prosecutions when a computer is used in dissemination of information is punitive and unacceptable.
8. Calls on the government of Thailand to take whatever action necessary to ensure the charges against of Andy Hall for his human rights and migrant protection work are being swiftly dropped and that no further charges or methods of judicial harassment are used against him;
9. Encourages the government of Thailand to guarantee just and fair legal procedures for everyone charged of criminal offences, to improve the protection of witnesses at trials, to improve translation for foreign nationals during criminal trials and ensure Hall gains access to a fair, independent and just appeals process for the crimes he has been convicted of where the Court weighs up fairly and transparently all evidence presented during the trial;
10. calls on the Thai authorities to adopt a holistic, long-term in-bound migration policy for low-skilled migrant workers in accordance with human rights principles and respective of the needs of the labour market such that national, economic and human security considerations are weighted equally; notably calls for the revision of the Labour Relations Act with a view to guaranteeing migrant workers equal right to freedom of association and collective bargaining as Thai nationals;
11. Encourages the Thai authorities, the EU as well as European and Thai companies, in order to implement their international responsibility for the respect of human rights, to actively support and use the work of independent civil society actors as key compliment to supply chain

monitoring in order to bring to the companies' and authorities' attention possible problems including suspected cases of labour exploitation, forced labour, human trafficking and irresponsible or unethical recruitment practices;

12. Suggests to further develop the accessibility of databases concerning customs information on imports to the EU, including names of companies involved, ultimate destination and recipient, at least upon request when there are well-founded reasons to suspect that goods produced in exploitative conditions or by companies that are limiting freedom of expression or otherwise seeking to criminalise the work of human rights defenders are being imported

13. 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;

14. calls on the EU and the Member States to launch campaigns raising interests of citizens on how and where their daily products are manufactured, with a clear focus on Human Rights, business and basic WTO standards ;

15. Gives full support to all efforts of the EEAS and the EU Delegation as well as the Member State Delegations to engage with the government and civil society in favour of human rights and rule of law in Thailand;

16. 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;