

10 December 2016

General Prayut Chan-o-cha
Prime Minister of Thailand
Government House,
1, Phitsanulok Road,
Dusit, 10300,
Bangkok, THAILAND; Fax: +66 (0) 2282 5131
Email: prforeign@gmail.com

Re: Andy Hall's Conviction of Criminal Defamation and Computer Crimes Violations

Dear Prime Minister Prayut:

On this International Human Rights Day, we, the undersigned, write to you concerning the conviction of Andy Hall for criminal defamation and violations of the Computer Crime Act. Hall's conviction was in relation to research he undertook by interviewing migrant workers and sending raw interview data to Finnwatch, which then analyzed the information and published it in the Finnwatch report *Cheap Has a High Price*. Finnwatch wrote and published the report online in January 2013 in Helsinki, Finland.

We are writing to you as an international coalition of civil society groups (human rights, labor, development and environmental organizations), national civil society groups, members of parliament, and corporations who seek to ensure that the rights of migrant workers and human rights defenders in Thailand are respected and protected in line with international law and standards. While we acknowledge the decision of the Bangkok South Criminal Court in this case, we remain deeply troubled about the potential of this judgment to seriously hinder the work of human rights advocates by preventing effective and confidential research and monitoring of supply chains, thereby putting migrant and other vulnerable workers at higher risk of debt bondage, forced labor and other abuse. Without basic rights like free association and collective bargaining, migrant workers in Thailand lack the means to effectively protect themselves from abuse and exploitation. This judgment could put them at even greater risk.

In June 2016, the U.S. government highlighted Thailand's anti-trafficking efforts by upgrading it to Tier 2 Watch List in its annual *Trafficking in Persons Report*. The U.S. government noted, however, that the prosecution of Andy Hall "impeded a climate conducive to preventing trafficking, discovering and reporting trafficking crimes, identifying victims, and apprehending additional traffickers." It is extremely worrying that a Thai court has acted to criminalize the actions of Hall in contributing to professional research on alleged grave human and labour rights abuses committed by a Thai corporation. This decision will undoubtedly create a chilling effect on independent supply chain research, which benefits migrant workers and their families, the environment, the Thai government and people, and the international companies that source their products from Thailand.

We have been consulting closely in the aftermath of this decision and conclude that international brands committed to ethical sourcing are now facing a serious dilemma prompted by the

conviction of Andy Hall. An increasing number of international corporations see such research as contributing important value to their decisions around sourcing and production of products. Many of these corporations have made a commitment to their customers to source and produce ethically. Increasing transparency helps international corporations to identify human rights risks and support Thai companies in efforts to improve. Any nation that hinders or obstructs supply chain research may be putting business and investment from those companies at risk.

It is important to note that during Hall's trial, some of Thailand's leading seafood companies and associations, as well as a leading European retailer, attested to the benefit of Hall's research. Unfortunately, the Court's decision sends a signal to international brands and retailers that the current environment in Thailand may not be conducive to ensuring ethical sourcing and may also embolden further prosecution of human rights defenders who report allegedly illegal practices at companies that harm human rights.

As a step toward assuring civil society, governments, and the private sector that Thailand is genuinely committed to protecting the rights of migrant workers, Thailand should decriminalize defamation and amend the Computer Crime Act to bring it into line with Thailand's international human rights obligations. The present use of the Computer Crime Act in tandem with prosecution of human rights defenders for criminal defamation undermines the rights to freedom of expression and information of independent researchers, journalists, and human rights defenders, in violation of the International Covenant on Civil and Political Rights, to which Thailand is a party. We also urge Thailand to actively and effectively implement the UN Declaration on Human Rights Defenders to ensure that human rights defenders have a safe and enabling environment in which to carry out research, education and advocacy. Furthermore, we encourage the Royal Thai Government to ratify International Labour Organization (ILO) Core Labor Conventions, particularly Conventions No. 87 (Freedom of Association) and No. 98 (Collective Bargaining), which would empower migrant workers to protect themselves from employer abuses.

The work of Andy Hall and other human rights defenders on supply chains is essential to improving the lives of migrant workers in Thailand and their families in Southeast Asia. It also benefits all consumers of Thai products exported overseas who want to be assured that the products they buy from Thailand are produced in a manner that respects human rights. This work should be commended, not criminalized, by the Thai government.

We urge Thailand to act now to ensure that human rights defenders and migrant workers in Thailand are fully protected by:

- 1. Repealing the provisions in the Penal Code criminalizing defamation;**
- 2. Amending the Computer Crime Act to bring it into compliance with international human rights law regarding freedom of expression;**
- 3. Actively and effectively implementing the UN Declaration on Human Rights Defenders; and**
- 4. Ratifying and implementing ILO Core Labor Conventions, particularly No. 87 and No. 98.**

Sincerely,

- 1  **American Federation of Labor-Congress of Industrial Organizations**
Cathy Feingold, Director of International Affairs
- 2  **Amnesty International**
- 3  **Anti-Slavery International**
Aidan McQuade, Director
- 4  **Attac Finland**
Omar El-Begawy, President
- 5  **Australia Asia Worker Links**
Pier Moro, Secretary
- 6  **Australian Council of Trade Unions**
Ged Kearney, President
- 7  **Axfood**
Åsa Domeij, Head of Environmental & Social Affairs
- 8  **Axfoundation**
Carolina Sachs, Secretary General
- 9  **Building and Woodworkers International**
Ambet Yuson, General Secretary
- 10  **Burma Campaign UK**
Mark Farmaner, Director
- 11  **Business & Human Rights Resource Centre**
Bobbie Sta. Maria, Senior Researcher & Representative for Southeast Asia
- 12  **California Institute for Rural Studies**
Gail Wadsworth, Executive Director

- 13  **Center for Alliance of Labor and Human Rights – CENTRAL**
Tola Moeun, Executive Director
- 14  **Child Labor Coalition**
Reid Maki, Coordinator
- 15  **Civil Rights Defenders**
Robert Hård, Executive Director
- 16  **Coalition of Immokalee Workers**
- 17  **Comite de Apoyo a los Trabajadores Agrícolas (CATA)**
Jessica Culley
General Coordinator
- 18  **CONCORDIA**
Matthew Swift, Co-Founder & CEO
- 19  **Consumers' Union of Finland**
Juha Beurling, Secretary General
- 20  **Coop Sweden**
Louise König, Sustainability Manager
- 21  **Dalit Solidarity Network Finland**
Minna Havunen, Chair
- 22  **Electronics Watch**
Björn Claeson, Director
- 23  **Environmental Justice Foundation**
Steve Trent, Executive Director
- 24  **Ethical Trading Initiative**
Peter McAllister, Executive Director
- 25  **Dame Glenis Willmott**
MEP, Leader of the European Parliamentary Labour Party
- 26  **Jude Kirton-Darling**
MEP, European Parliament

27



European Parliament

Heidi Hautala

MEP, European Parliament

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European Parliament

Sirpa Pietikäinen

MEP, European Parliament

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European Parliament

Liisa Jaakonsaari

MEP, European Parliament

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European Parliament

Merja Kyllönen

MEP, European Parliament

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European Parliament

Miapetra Kumpula-Natri

MEP, European Parliament

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European Parliament

Nils Torvalds

MEP, European Parliament

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European Parliament

Pirkko Ruohonen-Lerner

MEP, European Parliament

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EURO POULTRY®

EuroPoultry

Mikael Kristensen, Owner

35

**Fair Action**

Ulrika Urey, Director

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**Fair World Project**

Kerstin Lindgren, Campaign Director

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**Fairfood International**

Sander de Jong, Managing Director

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Farmworker Association of Florida
La Asociación Campesina de Florida
Asosiyasyon Travayè Latè nan Florid**Farmworker Association of Florida**

Antonio Tovar

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**Finn Church Aid**

Jouni Hemberg, Executive Director

- 40  **Finnish Food Workers' Union SEL**
Veli-Matti Kunttonen, Union Chairperson
- 41  **Finnish League for Human Rights**
Kaari Mattila, Secretary General
- 42  **Finnish Metalworkers' Union**
Riku Aalto, President
- 43  **Finnwatch**
Sonja Vartiala, Executive Director
- 44  **FishWise**
Tobias Aguirre, Executive Director
- 45  **Food Chain Workers Alliance**
Joann Lo, Co-Director
- 46  **Fortify Rights**
Amy Smith, Executive Director
- 47  **Freedom Fund**
Audrey Guichon, Senior Program Officer
- 48  **Frontline Defenders**
Andrew Anderson, Executive Director
- 49  **Giant Eagle**
Richard Castle, Director of Seafood
- 50  **Global Witness**
Ben Leather, Campaigner
- 51  **Green America**
Todd Larsen, Executive Co-Director for Consumer & Corporate Engagement
- 52  **Greenpeace Southeast Asia**
Yeb Sano, Executive Director
- 53  **Hazards Magazine**
Rory O'Neill, Editor

- 54  **Human Rights at Sea**
David Hammond, CEO
- 55  **Human Rights Now**
Kazuko Ito, Secretary General
- 56  **Human Rights Watch**
Brad Adams, Asia Director
- 57  **Humanity United Action**
Ame Sagiv, Investments Manager
- 58  **Hy-Vee Food Stores Inc.**
Greg Frampton, V.P. Meat and Seafood Operations
- 59  **Industrial Union TEAM**
Heli Puura, President
- 60  **IndustriALL Global Union**
Valter Sanches, General Secretary
- 61  **International Federation of Journalists**
Anthony Bellanger, General Secretary
- 62  **International Labor Rights Forum**
Judy Gearhart, Executive Director
- 63  **International Solidarity Foundation**
Miia Nuikka, Executive Director
- 64  **International Trade Union Confederation**
Sharan Burrow, General Secretary
- 65  **International Transport Workers' Federation**
Stephen Cotton, General Secretary

- 66  **International Union of Food, Agricultural, Hotel, Restaurant, Catering, Workers' Associations (IUF)**
Ron Oswald, General Secretary
- 67  **Irish Congress of Trade Unions**
Patricia King, General Secretary
- 68  **Kepa**
Timo Lappalainen, Executive Director
- 69  **KISA - Action for Equality, Support, Antiracism**
Doros Polykarpou, Executive Director
- 70  **Labor Safe Screen and Sustainability Incubator**
Katrina Nakamura, Founder
- 71  **Lawyers' Rights Watch Canada**
Gail Davidson, Executive Director
- 72  **Laundry Workers Center**
- 73  **Martin&Servera**
AnnaLena Norrman, Chief Sustainability & Quality Officer
- 74  **Migrant Workers Rights Network**
Sein Htay, President
- 75  **Multicultural Center Prague**
Marek Canek, Executive Director
- 76  **National Consumers League**
Sally Greenberg, Executive Director
- 77  **National Guestworkers Alliance**
Jacob Horwitz, Lead Organizer
- 78  **Norvida**
Calle Ramvall, Quality and Environmental Director
- 79  **NYU Stern Center for Business and Human Rights**
Sarah Labowitz and Michael Posner, Co-directors

- 80  **Olof Palme International Center**
Jens Orback, Secretary General
- 81  **Pioneer Valley Workers Center**
Gabriella della Croce, Development Coordinator & Community Organizer
- 82  **Platform for International Cooperation on Undocumented Migrants**
Michele LeVoy, Director
- 83  **Pro Ethical Trade Finland**
Anna Ylä-Anttila, Acting Executive Director
- 84  **Restaurant Opportunities Centers United (ROC)**
Fekkak Mamdouh, Co-Director
- 85  **S Group**
Lea Rankinen, Senior Vice President Sustainability and Corporate Responsibility
- 86  **Service Union United PAM**
Ann Selin, President
- 87  **Slave Free Seas**
Craig Tuck, Founder and Director
- 88  **Social Accountability International (SAI)**
Jane Hwang, President & CEO
- 89  **Stop The Traffik Australia**
Carolyn and Fuzz Kitto, Co-Directors
- 90  **Svensk Cater**
Lars Carlsson, CEO
- 91  **Swedwatch**
Alice Blondel, Director

- 92  **Teamsters Joint Council 7**
Doug Bloch, Political Director
- 93  **Tehy – The Union of Health and Social Care Professionals in Finland**
Rauno Vesivalo, President
- 94  **Tenaganita**
Glorene A Das, Executive Director
- 95  **The Finnish NGDO Platform to the EU Kehys**
Rilli Lappalainen, Secretary General
- 96  **The Swedish Foundation for Human Rights**
Jenny Jansson Pearce, Secretary General
- 97  **The Trade Union for the Public and Welfare Sectors JHL**
Päivi Niemi-Laine, President
- 98  **Trade Union Pro**
Jorma Malinen, President
- 99  **Trade Union Solidarity Centre of Finland SASK**
Janne Ronkainen, Executive Director
- 100  **Trades Union Congress**
Frances O'Grady, General Secretary
- 101  **Transient Workers Count Too**
John Gee, Chair, Research Sub-Committee
- 102  **Tuko Logistics**
Pirjo Heiskanen, Quality Assurance Manager
- 103  **UNI Global Union**
Philip Jennings, General Secretary
- 104  **Unil**
Julie Haugli Aarnæs, Manager Sustainable Sourcing
- 105  **Union to Union**
Kristina Henschen, General Secretary
LO, TCO & SACO SWEDEN

- 106  **Uniting Church in Australia, Synod of Victoria and Tasmania**
Mark Zirnsak, Justice & International Mission
- 107  **Verité**
Shawn MacDonald, CEO
- 108  **Walk Free**
Joanna Ewart-James, Director
- 109  **Wegmans Food Markets**
Carl P. Salamone, V.P. Seafood Sustainability
- 110  **Worker Justice Center of New York**
Lewis Papenfuse, Executive Director