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## TEXTS ADOPTED

*Provisional edition*

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### **P8\_TA-PROV(2016)0380**

#### **Thailand, notably the case of Andy Hall**

#### **European Parliament resolution of 6 October 2016 on Thailand, notably the situation of Andy Hall (2016/2912(RSP))**

*The European Parliament,*

- having regard to its previous resolutions on Thailand, in particular those of 20 May 2010<sup>1</sup>, 6 February 2014<sup>2</sup>, 21 May 2015<sup>3</sup> and 8 October 2015<sup>4</sup>,
- having regard to the answer given by Vice-President of the European Commission/High Representative of the Union for Foreign Affairs and Security Policy Mogherini on behalf of the Commission on the situation of Mr Andy Hall of 19 November 2015,
- having regard to the statements issued by the EU Delegation to Thailand, in agreement with the EU Heads of Mission in Thailand, on 14 November 2014,
- having regard to the press statement of the Office of the United Nations High Commissioner for Human Rights of 20 September 2016,
- having regard to the statement by Maurizio Bussi, International Labour Organisation Country Director for Thailand, Cambodia and Lao People's Democratic Republic of 21 September 2016 on the conviction of labour rights activist Andy Hall in Thailand,
- having regard to the Universal Periodic Review of Thailand before the UN Human Rights Council, and its recommendations, of 11 May 2016,
- having regard to the Universal Declaration of Human Rights of 10 December 1948,
- having regard to the Thailand Migration Report 2014 of the UN Thematic Working Group on Migration,
- having regard to the UN Declaration on Human Rights Defenders of 1998 and to UN General Assembly resolution A/RES/70/161 of 17 December 2015,

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<sup>1</sup> OJ C 161 E, 31.5.2011, p. 152.

<sup>2</sup> Texts adopted, P7\_TA(2014)0107.

<sup>3</sup> OJ C 353, 27.9.2016, p. 52.

<sup>4</sup> Texts adopted, P8\_TA(2015)0343.

- 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 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984,
  - having regard to the Association of Southeast Asian Nations Human Rights Declaration of 18 November 2012,
  - having regard to the UN Guiding Principles on Business and Human Rights,
  - having regard to Rules 135(5) and 123(4) of its Rules of Procedure,
- A. whereas workers' rights defender Mr Andy Hall, an EU citizen, was sentenced on 20 September 2016 to a three-year suspended jail term and fined THB 150 000 after contributing to a report by Finnish NGO Finnwatch exposing labour rights violations in a Thai pineapple processing plant, Natural Fruit Company Ltd;
  - B. whereas Andy Hall was formally indicted for criminal defamation and a computer crime relating to the online publication of the report, and whereas Mr Hall's two criminal cases were allowed to proceed through the Thai judicial system;
  - C. whereas a number of workers' rights violations committed by the company had been identified by the Thai Ministry of Labour and by employees of Natural Fruit Company Ltd during previous court hearings;
  - D. whereas on 18 September 2015 the Prakanong Court in Bangkok, ruling in favour of Mr Hall, upheld the dismissal of the other criminal defamation proceedings brought against him, which have been appealed by Natural Fruit Company Ltd and the Thai Attorney General and which are currently before the Supreme Court; whereas the two civil proceedings have been suspended pending resolution of the two criminal proceedings;
  - E. whereas, according to reports in international and Thai domestic media, the Migrant Worker Rights Network (MWRN), an organisation to which Mr Hall is an advisor, as well as Hall himself and 14 chicken-farm workers from Myanmar, face threats of similar criminal defamation and computer crime lawsuits from a Thai chicken supplier to the European market;
  - F. whereas on 28 September 2016 the Thai authorities obstructed the public presentation and launch, by a number of foreign human rights experts and researchers, of Amnesty International's latest research report documenting regular torture or abuse of political opponents, migrant workers, suspected insurgents and others at military bases, police stations and detention facilities;
  - G. whereas the disproportionate use of criminal defamation laws, which carry penalties of imprisonment, against human rights defenders who report on alleged human violations, limits freedom of expression in violation of Thailand's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party;
  - H. whereas there are nearly four million foreigners living in Thailand, 2,7 million of whom are from Cambodia, Laos or Myanmar; whereas work permits have been available to

migrants from these countries since 2001, but whereas there are still more than a million unregistered migrant workers in the country;

- I. whereas, according to Human Rights Watch in its statement of 18 September 2016, ‘human rights and labour rights of migrant workers in Thailand from Myanmar, Cambodia, and Laos working in Thailand have been regularly violated with impunity over the years’ and ‘migrant workers frequently receive little or no protection from Thai labour laws despite government assertions that all legally registered migrant workers will be protected under those laws’;
- J. whereas Thailand began implementing a Memorandum of Understanding (MOU) on cooperation in the employment of workers with Cambodia and Laos in 2006 and with Myanmar in 2009; whereas, under the MOU system, workers could obtain job offers and travel documents before migrating to Thailand, but only 5 % of the workers from these countries have gone through the MOU process;
  1. Welcomes the EU’s strong commitment to the Thai people, with whom the EU has solid and longstanding political, economic and cultural ties;
  2. Regrets the guilty verdict against Andy Hall, and expresses concern about the judicial process and how it might affect the freedom of human rights defenders to carry out their work;
  3. Calls on the Thai Government to take all necessary measures to ensure that the rights – including the right to a fair trial – of Mr Hall and other human rights defenders are respected and protected, and to create an enabling environment conducive to the enjoyment of human rights and, specifically, to ensure that the promotion and protection of human rights are not criminalised;
  4. Calls on the Thai authorities to ensure that the country’s defamation laws are compliant with the International Covenant on Civil and Political Rights (ICCPR), to which it is a state party, and also to revise the Computer Crime Act, the current wording of which is too vague;
  5. Commends the EEAS on its work on the case of Andy Hall, and urges it to continue to follow the situation closely; calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to raise the issue with the Thai Government during the upcoming ASEAN-EU Ministerial Meeting in Bangkok;
  6. Calls on the Thai Government and the state institutions to comply with Thailand’s own constitutional and international obligations in respect of the independence of the judiciary, the right to due process and a fair trial and the rights to freedom of expression, association and peaceful assembly;
  7. Recognises the progress achieved by the Thai Government in combating worker exploitation and protecting national and migrant workers, as shown in particular by a reinforced labour inspection system, legislation covering labour agencies, measures to prevent debt bondage and trafficking in human beings, a stronger sanction policy for labour abuses, the ratification of International Labour Organisation (ILO) Convention No 187 and the signing in March 2016 of the Maritime Labour Convention;
  8. Invites the Thai authorities to adopt and implement, in law and in practice, a holistic,

long-term in-bound migration policy for low-skilled migrant workers in accordance with human rights principles and taking into account the needs of the labour market; in this context, suggests as a first step revising the Labour Relations Act with a view to guaranteeing migrant workers the same right to freedom of association as Thai nationals;

9. Calls for the protection of migrant workers by means of stronger incentives for employers to engage in the regularisation process, while enforcing high fines or other punishments against employers that do not engage in the regularisation process or that are in breach of labour law;
10. Asks the European External Action Service (EEAS) and the EU Delegation in Bangkok, as well as Member State delegations, to continue to monitor the human rights situation in Thailand, to continue to engage with the government and civil society and to use all available instruments to ensure respect for human rights, human rights defenders and the rule of law in Thailand;
11. Urges the EU and its Member States to ensure that companies established in their territories which conduct business in Thailand respect international human rights standards through transparent monitoring and reporting, in cooperation with civil society, and welcomes the support that Finnish retailer S Group has given to Andy Hall;
12. Strongly believes that companies should be held accountable for any environmental damage and human rights abuses for which they are responsible, and that the EU and the Member States should uphold this as a core principle;
13. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for 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 and the governments of the Association of Southeast Asian Nations member states.