December 10, 2016

General Prayut Chan-ocha
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 Agricolas (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 **Heidi Hautala**
MEP, European Parliament

28 **Sirpa Pietikäinen**
MEP, European Parliament

29 **Liisa Jaakonsaari**
MEP, European Parliament

30 **Merja Kyllönen**
MEP, European Parliament

31 **Miapetra Kumpula-Natri**
MEP, European Parliament

32 **Nils Torvalds**
MEP, European Parliament

33 **Pirkko Ruohonen-Lerner**
MEP, European Parliament

34 **EuroPoultry**
Mikael Kristensen, Owner

35 **Fair Action**
Ulrika Urey, Director

36 **Fair World Project**
Kerstin Lindgren, Campaign Director

37 **Fairfood International**
Sander de Jong, Managing Director

38 **Farmworker Association of Florida**
Antonio Tovar

39 **Finn Church Aid**
Jouni Hemberg, Executive Director

40 **Finnish Food Workers' Union SEL**
Veli-Matti Kuntonen, 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 Secreatry

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

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