



Plenary sitting

B8-1072/2016

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))

Pier Antonio Panzeri, Victor Boștinăru, Knut Fleckenstein, Josef Weidenholzer, Clara Eugenia Aguilera García, Eric Andrieu, Nikos Androulakis, Francisco Assis, Zigmantas Balčytis, Hugues Bayet, Brando Benifei, José Blanco López, Vilija Blinkevičiūtė, Simona Bonafè, Biljana Borzan, Soledad Cabezón Ruiz, Nicola Caputo, Andrea Cozzolino, Andi Cristea, Miriam Dalli, Viorica Dăncilă, Nicola Danti, Isabella De Monte, Monika Flašíková Beňová, Doru-Claudian Frunzuliță, Eider Gardiazabal Rubial, Enrico Gasbarra, Elena Gentile, Maria Grapini, Sylvie Guillaume, Jytte Guteland, Sergio Gutiérrez Prieto, Anna Hedh, Cătălin Sorin Ivan, Liisa Jaakonsaari, Agnes Jongerius, Eva Kaili, Afzal Khan, Cécile Kshetu Kyenge, Javi López, Krystyna Łybacka, Louis-Joseph Manscour, David Martin, Costas Mavrides, Marlene Mizzi, Sorin Moisă, Alessia Maria Mosca, Victor Negrescu, Momchil Nekov, Norbert Neuser, Demetris Papadakis, Vincent Peillon, Pina Picierno, Tonino Picula, Kati Piri, Miroslav Poche, Inmaculada Rodríguez-Piñero Fernández, Daciana Octavia Sârbu, Siôn Simon, Tibor Szanyi, Paul Tang, Claudia Țăpărdel, Marc Tarabella, Marita Ulvskog, Elena Valenciano, Julie Ward, Flavio Zanonato, Damiano Zoffoli, Carlos Zorrinho

on behalf of the S&D 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 6 February 2014 and 8 October 2015,
 - having regard to the statement by the Spokesperson of EU High Representative Federica Mogherini of 8 August 2016,
 - having regard to the statements issued by the European Union Delegation in agreement with the EU Heads of Mission in Thailand on 14 November 2014, 30 June 2015, & 24 September 2015,
 - having regard to the conclusions of Council of the European Union on Thailand, adopted on 23 June 2014,
 - having regard to the answer given by High Representative/Vice-President Ashton on behalf of the Commission, of 19 November 2015 on the situation of Mr. Andy Hall,
 - 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 Universal Periodic Review of Thailand before the UN Human Rights Council, and its recommendations, of 5 October 2011,
 - having regard to the Universal Declaration of Human Rights of 1948,
 - having regard to the United Nations Declaration on Human Rights Defenders of 1998,
 - 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 rule 135 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 150,000 baht after contributing to a report alleging labour abuses in a Thai pineapple wholesaler,
- B. whereas Andy Hall was formally indicted for criminal defamation and a computer crime relating to the publication online of a Finnish NGO report that exposed labour rights violations at the company's pineapple processing plant,
- C. whereas Mr Hall's two criminal cases have been allowed to continue through the Thai juridical system despite the fact that workers' rights violations committed by the company

were partly confirmed by the Thai Ministry of Labour as well as a company employee during previous court hearings;

- D. whereas Andy Hall was repeatedly asked to prove his allegations of low wages, and dire conditions against the pineapple processing giant, but his research notes, photos and several witnesses to court was not enough, and the judges gave weight to the company's evidence that government inspectors had regularly visited the factory and found no serious breaches;
 - E. whereas the sentencing has deepened the difficult conditions in which human rights activists work;
 - F. whereas the frequent use of the criminal defamation law in Thailand to silence critics has been condemned by human rights groups;
1. Calls for the release of Andy Hall from all charges since his actions, as a human right defender, were aimed to expose instances of human trafficking and improve the legal situation of migrant workers in Thailand which confirms his right to carry out research and advocacy without fear of reprisals;
 2. Expresses its concern that Hall's trial may not have been fully impartial as there have been reports of ownership links existing between the suing company and high-rank Thai politicians
 3. Urges the international community, and the European Union in particular, to put all their efforts into fighting human trafficking, slave work and forced migration by advocating international collaboration on monitoring and prevention of human rights violations relating to labour issues;
 4. Calls on the Thai government to comply with its own constitutional and international obligations in respect to the independence of judiciary, the right to freedom of expression, association and peaceful assembly
 5. Calls on the Thai government to take all measures necessary to ensure that the rights of human rights defenders are respected and protected, and create an enabling environment for the realisation of human rights and specifically ensure that the promotion and protection of human rights are not criminalised; notably urges the Thai government to immediately abolish from its Penal Code the crime of defamation which contravenes the right to freedom of expression and to also revise the Computer Crime Act which is currently worded overly broadly so that it contravenes the principles of legality;
 6. 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 respective of the needs of the labour market ; in that perspective, suggests as a first step to revise the Labour Relations Act with a view to guaranteeing migrant workers equal right to freedom of association as Thai nationals.
 7. Recognize the progresses to do and ones carried out by Thai Government against work exploitation and in favour of workers and migrant workers protection as shown by the ratification of Convention N°187 of ILO as well as the signature in March 2016 of Maritime Work Convention; Encourages the European Union and the Thai government to

engage in a constructive dialogue on matters regarding human rights protection and democratization processes in Thailand and in the region; reiterates its support for the democratization process in Thailand;

8. Asks the EEAS and the EU delegation, as well as Member State delegations, to use all available instruments to ensure the respect of human rights and the rule of law in Thailand;
9. Urges the EU to ensure its companies that undertake activities in Thailand respect international human rights standards through transparent monitoring and reporting, in cooperation with civil society;
10. Instructs its President to forward this resolution to the Government and Parliament of Thailand, the EU High Representative, the Commission, the parliaments and governments of the Member States, the United Nations High Commissioner for Human Rights and the governments of the ASEAN Member States;