

**To:** The Ministry of Foreign Affairs in Thailand, The Ministry of Commerce in Thailand, The Thai Chamber of Commerce, Mission of Thailand to the EU, The Thai Food Processors' Association, The Thai Pineapple Industry Association, Pineapple Processors' Group, Natural Fruit Co. Ltd.

**In copy:** Delegation of the EU to Thailand, The British Embassy in Thailand, The Swedish Embassy in Bangkok, The Royal Thai Embassy in Stockholm, The Ministry for Foreign Affairs in Sweden, Ministry of Foreign Affairs in Norway, Norwegian Embassy in Bangkok, Thailand, Ministry for Foreign Affairs of Finland, Embassy of Finland, Bangkok.

Stockholm, 2018-04-11

Nordic food companies' comment on the Court decision 26<sup>th</sup> March 2018 regarding defamation case against human rights advocate Andy Hall

On Monday 26<sup>th</sup> March, Thailand's Prakanong Court found business and human rights advocate Andy Hall guilty of defamation for researching and speaking out on migrant workers' rights in the Thai fruit industry. Hall was ordered to pay the equivalent of EUR 260,200 in civil damages plus court fees to fruit producer Natural Fruit Co. Ltd.

The court order is first and foremost a backlash for human rights defenders, migrant workers and all others in Thailand who want to testify about misconduct. It will doubtlessly prove to be harmful to Natural Fruit Co. Ltd's business potential with Nordic and European buyers who endorse international labor standards and mechanism for putting forward grievances in a safe and legal manner. In addition, the court order is harmful to Thailand as a food producing and exporting country.

In recent years, following massive pressure from the EU and international companies and organisations, Thailand has made efforts to reduce the risk of exploitation of workers, not least in the fish and seafood industry. The International Labour Organisation (ILO) and international retailers have also played an important role for example through the initiatives of the Seafood Taskforce and the ILO Ship-to-Shore and Good Labor Practices Program.

In 2017, Thailand issued new guidelines for migrant workers through the Royal Ordinance titled 'Management of Employment of Migrant Workers', which includes

some important provisions relating to recruitment practices such as zero fees for migrant workers.

Nevertheless, the decision taken by the Prakanong Court in Bangkok challenges business relations with Thailand for Nordic companies who already make substantial efforts to improve access to grievance mechanisms for workers throughout the supply chain.

We agree with [Ethical Trading Initiative UK](#) upon the following three necessities going forward:

- Better grievance mechanisms and the commitment to use them at company level;
- Better dispute resolution mechanisms and the commitment to use them at industry association level;
- Responsible national regulation to resolve future disputes if companies and associations fail.

With this letter, we signatories with essential business relations with Thai food exporters, emphasise the importance of a free civil society in Thailand and that revealing human rights violations should not be punished.

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