

Dear Mr. Nirut Rublek,

*Re: TPIA responsibility to engage in dialogue about alleged human rights violations in Thailand's fruit industry*

Finnwatch has received an English language translation of your letter sent August 13, 2014, to State Enterprises Workers' Relations Confederation (SERC). Your letter is a response to a letter signed by over 100 human rights organizations asking TPIA to encourage Natural Fruit Co. Ltd. (Natural Fruit) to withdraw the law suits against Andy Hall and address allegations of labour rights violations. Finnwatch was one of the signatories to that letter, sent August 8, 2014.

After reading your response to our letter we are very disappointed to learn that instead of addressing human rights organizations concerns, TPIA threatens Mr. Andy Hall with new lawsuits and tries to stop international campaigning on labour rights issues in Thailand.

TPIA's mission, as stated on your website is to, "provide to all segments of Thailand's pineapple industry the means to produce and market pineapple and pineapple products which suit the customers' wants and needs." Retailers and consumers have made very clear that they want their products to be made in conditions free from the kinds of serious labor rights abuses described in the Finnwatch reports. Preventing and addressing human rights violations are Thai industry's responsibility also under Thai law and UN Guiding Principles on Business and Human Rights.

Finnwatch has tried to engage Natural Fruit in dialogue multiple times during 2012 - 2014. Several companies have also informed us about their attempts to discuss with Natural Fruit and to sign its factories for a third party auditing system. As far as we are aware of, Natural Fruit has not replied to its buyers demands and has instead started malicious lawsuit against an individual researcher Andy Hall. Instead of solving the alleged issues in its factory, together with its buyers and civil society, Natural Fruit has chosen to suffer financial consequences of its own inaction.

As an industry organization, the best way TPIA can protect its members is to ensure companies like Natural Fruit that are accused of labor rights violations address those violations rather than try to hide them.

Natural Fruit can withdraw the criminal charges against Andy Hall, and TPIA can certainly urge Mr. Wirat Piyanpornpaiboon to do so. Rather than threaten further retaliatory court actions, we hope TPIA will take action to encourage Natural Fruit and other TPIA members to work with civil society toward a solution that protects the rights of the workers at their facilities, and in the long-term improves Thai export businesses. Such action would include urging Natural Fruit to:

1. withdraw criminal and civil proceedings against Mr. Hall;
2. allow a full investigation by competent and independent investigators of all allegations of unfair and/or illegal labor practices;
3. provide fair remediation of all violations identified by the investigation;
4. introduce, in consultation with workers and their advocates, effective measures to

prevent future violations; and

5. acknowledge that human rights defenders, like Mr. Hall and others, are important to securing labor rights and improving conditions for workers and their communities.

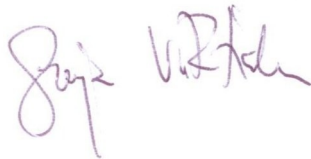
TPIA should be very concerned about the malicious prosecution of Andy Hall, and the potential for such cases to silence critics and thereby allow possibly unlawful activities to continue with no accountability. Thailand's inadequate response to reports of human trafficking and forced labour in several commercial sectors, including fruit manufacturing and fishing sectors, has resulted in Thailand being downgraded to Tier 3, the lowest possible level in the U.S. Department of State's 2014 Trafficking in Persons TIP report. Particularly now, as the eyes of the world are watching how Thailand responds, it is incumbent on industry actors such as yourself to ensure any potential mistreatment of migrant workers is addressed quickly and completely.

TPIA must address the immediate issue of Mr. Hall's prosecution by the taking the steps outlined above. If Natural Fruit continues to refuse to take action, TPIA must disassociate itself with Natural Fruit and Mr. Wirat Piyanpornpaiboon, or risk tarnishing the reputation of the whole industry.

We are determined to work with human rights community to keep the brands that purchase from Natural Fruit and other TPIA members updated on the situation. We have already informed Nordic retailers and European juice traders about TPIA's response and made it clear that we do not accept industry association's threats towards human rights defender Andy Hall and its inaction to solve labour issues.

We hope to be able to report forward progress toward resolving the issue.

Helsinki, 20th August 2014



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Executive Director  
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