

Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur on the promotion and protection of human rights in the context of climate change; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders

Ref.: AL OTH 134/2025
(Please use this reference in your reply)

22 October 2025

Mr. Chearavanont,

We have the honour to address you in our capacities as Working Group on the issue of human rights and transnational corporations and other business enterprises; Special Rapporteur on the promotion and protection of human rights in the context of climate change; Special Rapporteur on the right to food; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 53/3, 57/31, 58/10, 52/9 and 52/4.

We are independent human rights experts appointed and mandated by the United Nations Human Rights Council to report and advise on human rights issues from a thematic or country-specific perspective. We are part of the special procedures system of the United Nations, which has 60 thematic and country mandates on a broad range of human rights issues. We are sending this letter under the communications procedure of the Special Procedures of the United Nations Human Rights Council to seek clarification on information we have received. Special Procedures mechanisms can intervene directly with Governments and other stakeholders (including companies) on allegations of abuses of human rights that come within their mandates by means of letters, which include urgent appeals, allegation letters, and other communications. The intervention may relate to a human rights violation that has already occurred, is ongoing, or which has a high risk of occurring. The process involves sending a letter to the concerned actors identifying the facts of the allegation, applicable international human rights norms and standards, the concerns and questions of the mandate-holder(s), and a request for follow-up action. Communications may deal with individual cases, general patterns and trends of human rights violations, cases affecting a particular group or community, or the content of draft or existing legislation, policy or practice considered not to be fully compatible with international human rights standards.

In this connection, we would like to bring to the attention of your company information we have received concerning the alleged **misuse of law against the human rights defender Mr. Witoon Lianchamroon, Secretary-General of the BioThai Foundation (BIOTHAI), following the dissemination of information regarding the alleged adverse human rights and environmental impacts of the Thailand-based agribusiness Charoen Pokphand Foods Public Company Limited (CPF)**. In particular, the Thai foundation BIOTHAI publicly raised concerns about the negative environmental consequences of the release of blackchin tilapia, an invasive fish species, into Thailand's rivers and canals. These releases were reportedly linked to CPF's

Charoen Pokphand Group

aquaculture operations at its Yi San Aquatic Research Center in Samut Songkhram province. Subsequently, the company filed a defamation complaint against Mr. Witoon Lianchamroon, who has since been formally indicted.

According to the information received:

Mr. **Witoon Lianchamroon** is a recognized environmental human rights defender, serving as Secretary-General of BIOTHAI, a Thai foundation whose mission is to protect biodiversity, the environment, and the public interest.

Charoen Pokphand Foods Public Company Limited (CPF) is a major Thailand-based agribusiness and a company of the Charoen Pokphand Group. As a an agro-industrial and food conglomerate, CPF operates primarily in two sectors – livestock and aquaculture – producing and selling swine, chicken, duck, shrimp, and fish domestically and internationally.

Recent developments

On 26 July 2024, Mr. Witoon Lianchamroon presented information at a public seminar titled “*Environmental Disaster: the Case of the Blackchin Tilapia – Compensation and Remediation for Damages, Ecosystem Restoration and Reform of the Biosafety System*” at Grand Richmond Hotel in Nonthaburi province. The seminar addressed the spread of blackchin tilapia in local waterways. This non-native species that is known to outcompete native fish populations, degrade water quality, and reduce ecosystem resilience impacts that directly affect biodiversity and the environmental conditions necessary for the enjoyment of human rights and which allegedly originated from CPF’s aquaculture operations. At the seminar, Mr. Lianchamroon spoke on the topic “*Observations and Recommendations from Lessons on Biosafety.*” On the same day, he also gave an interview to Thai PBS on the matter. The information presented reportedly relied on publicly available sources, including data from State agencies, members of Parliament, and testimonies from communities.

In response, CPF filed separate criminal complaints against Mr. Lianchamroon and BIOTHAI Foundation at Rattathibet Police Station and Bang Sri Muang Police Station in Nonthaburi Province, even though both complaints arose from the same incident – that is, Mr. Lianchamroon’s disclosure during an academic forum of evidence regarding the spread of blackchin tilapia.

Each police station pursued separate charges of defamation by publication, resulting in two distinct investigation files being submitted to the Nonthaburi Provincial Prosecutor’s Office. Different prosecutors have also been assigned to handle each case. Subsequently, on 10 September 2025, two prosecutors filed separate lawsuits before the Nonthaburi Provincial Court.

This procedural separation has, however, increased both the legal and financial burdens borne by this environmental human rights defender and BIOTHAI Foundation. It has reportedly led to additional costs, the prolongation of judicial proceedings, and the duplication of witnesses and evidence. Mr. Lianchamroon is currently released on bail at the cost of THB 30,000 per case (a total of

THB 60,000). The first hearing is scheduled for 22 October 2025.

Without prejudging the information received, we express our serious concerns regarding the alleged misuse of the law against Mr. Lianchamroon by CPF, which seems to be aimed at silencing his reporting and punishing him for exercising his freedom of expression by denouncing potential environmental risks. Such actions may be perceived as part of a broader strategy to intimidate, silence and/or prevent human rights defenders and whistleblowers from raising legitimate concerns about business-related human rights impacts, including environmental harm.

We further express our concern at the ongoing lack of adequate State measures in Thailand to protect, *inter alia*, human rights defenders, affected communities and civil society organisations from judicial harassment, including strategic litigation against public participation (SLAPP), and to prevent SLAPPs from being filed against them. Private actors should refrain from engaging in the instrumentalization of the judicial system against human rights defenders, whistleblowers or journalists, with the purpose of chilling critical reporting or encouraging a culture of self-censorship.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please indicate whether your company has taken measures to investigate any involvement your company, subsidiaries, managers or individuals associated with it in the alleged misuse of the law against Mr. Witon Lianchamroon, Secretary-General of the BIOTHAI Foundation, or other human rights defenders and whistleblowers documenting human rights abuses involving your company. If no investigation has been undertaken, please explain why.
3. Please indicate what measures your company has taken to ensure its full respect for the rights of individuals, human rights defenders and civil society organisations to freedom of expression, including exposing abuse and voicing concerns about your company's activities, without fear of threats or acts of intimidation and harassment of any sort.
4. Please provide information on the human rights due diligence policies and processes established by your company to identify, prevent, mitigate and account for actual and potential adverse human rights and environmental impacts of its activities considering the worsening climate crisis, including those of its subsidiaries and investees in accordance with the UN Guiding Principles on Business and Human Rights.

5. Please provide information on policies your company has adopted or is considering adopting to ensure the protection of human rights defenders.
6. Please provide information regarding the measures that your company has taken, or is considering taking, to ensure that the individuals affected by its activities have access to effective remedies in line with the UNGPs. As part of this response, please indicate the steps that your company has taken, or is considering taking, to establish and maintain an effective operational-level grievance mechanisms, or cooperate with legitimate remedial mechanisms to address adverse human rights impacts that may have caused, contributed to, or be linked with.

This communication and any response received from your company will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has also been sent to the Government of Thailand and to the Charoen Pokhand Foods Public Company Limited.

Please accept, Mr. Chearavanont, the assurances of our highest consideration.

Pichamon Yeophantong
Chair-Rapporteur of the Working Group on the issue of human rights and
transnational corporations and other business enterprises

Elisa Morgera
Special Rapporteur on the promotion and protection of human rights in the context of
climate change

Michael Fakhri
Special Rapporteur on the right to food

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to highlight the UN Guiding Principles on Business and Human Rights, which were unanimously endorsed in 2011 by the Human Rights Council in its resolution (A/HRC/RES/17/31) after years of consultation with governments, civil society, human rights defenders and the business community. The guiding principles have been established as the authoritative global standard for all businesses to prevent and address business-related adverse human rights impacts. These guiding principles are based on the recognition of:

- a) The role of business enterprises as specialized bodies or corporations performing specialized functions, which must comply with all applicable laws and respect human rights.
- b) The need for rights and obligations to be matched by appropriate and effective remedies when they are violated".

The guiding principles also make clear that companies have an independent responsibility to respect human rights. Principles 11-24 and 29-31 provide guidance to companies on how to meet their responsibility to respect human rights and to provide remedies where they have caused or contributed to adverse impacts. The guiding principles have identified two main components of the corporate responsibility to respect human rights, which require "business enterprises to:

- a) Prevent their own activities from causing or contributing to adverse human rights impacts and address those impacts when they occur.
- b) Seek to prevent or mitigate adverse human rights impacts directly related to operations, products or services provided through their business relationships, even where they have not contributed to those impacts". (guiding principle 13).

The commentary to guiding principle 13 notes that companies can be affected by adverse human rights impacts, either through their own activities or as a result of their business relationships with other parties (...) The 'activities' of business enterprises are understood to include both actions and omissions; and their 'business relationships' include relationships with business partners, entities in their value chain and any other non-State or State entities directly linked to their business operations, products or services.

To meet their responsibility to respect human rights, companies should have in place policies and procedures appropriate to their size and circumstances:

- a) A political commitment to uphold their responsibility to respect human rights.
- b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their human rights impact.
- c) Processes to redress any adverse human rights impacts they have caused or contributed to (guiding principle 15).

According to guiding principles 16-21, human rights due diligence involves:

- a) Identifying and assessing actual or potential adverse human rights impacts that the enterprise has caused or contributed to through its activities, or that are directly related to the operations, products or services provided by its business relationships.
- b) Integrate the results of impact assessments into relevant business functions and processes and take appropriate action in accordance with their involvement in the impact.
- c) Monitor the effectiveness of the measures and processes adopted to address these adverse human rights impacts in order to know whether they are working.
- d) Communicate how adverse effects are addressed and demonstrate to stakeholders - particularly those affected - that appropriate policies and processes are in place to implement respect for human rights in practice.

Where an enterprise causes or is likely to cause an adverse human rights impact, it should take the necessary steps to end or prevent that impact. “The establishment of operational-level grievance mechanisms for those potentially affected by corporate activities can be an effective means of redress provided they meet certain requirements listed in principle 31 (guiding principle 22).

Furthermore, business enterprises should remedy any actual adverse impact that they cause or to which they contribute. Remedies can take a variety of forms and may include apologies, restitution, rehabilitation, financial or non-financial compensation and punitive sanctions (whether criminal or administrative, such as fines), as well as the prevention of harm through, for example, injunctions or guarantees of non-repetition. Procedures for the provision of remedy should be impartial, protected from corruption and free from political and other attempts to influence the outcome (commentary to guiding principle 25).

In addition, the guiding principle 18 and 26 underline the essential role of civil society and human rights defenders in helping to identify potential adverse human rights impacts related to business. The Commentary to principle 26 underlines how States, in order to ensure access to remedies, must ensure that the legitimate activities of human

rights defenders are not obstructed. In its 2021 guidance on ensuring respect for human rights defenders (A/HRC/47/39/Add.2), the Working Group on Business and Human Rights highlighted the urgent need to address the adverse impacts of business activities on human rights defenders. It explains, for States and companies, the normative and practical implications of the Guiding Principles in relation to protecting and respecting the vital work of human rights defenders.

We would like to refer you to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on the Rights of Human Rights Defenders. Article 5 guarantees the right to meet or assemble peacefully for the purpose of promoting and protecting human rights. Article 6 affirms that everyone has the right to know, seek, obtain, receive and hold information, including having access to information as to how rights and freedoms are given effect. Article 8 provides for everyone's right to participate in the conduct of public affairs, including the right to submit to governmental bodies criticism and proposals drawing attention to aspects of their work that might hinder or impede the promotion, protection and realization of human rights. Article 9 recalls the right to an effective remedy. Finally, article 12 reaffirms the right to participate in peaceful activities against violations of human rights.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favorable, but also that which may criticize, shock, or offend.

Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives.

The right to access information of citizens is an essential component of the right to freedom of expression. As provided for in article 19 ICCPR, the right to freedom of opinion and expression encompasses the right to seek and receive information of all kinds. The Human Rights Committee in its general comment No. 34 affirmed that freedom of expression, including therefore the right to access information, “is a necessary condition for the achievement of the principles of transparency and

accountability which, in turn, are essential for the promotion and protection of human rights” (CCPR/C/GC/34, para. 3)

The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has repeatedly stressed the importance of access to information and transparency as fundamental pillars for peace, democracy and development, as well as the fundamental role this right plays in the enjoyment of other rights (A/68/362, paras. 18, 19, 20 and 89; E/CN.4/1998/40, para. 12; E/CN.4/1995/32, para. 135).

The right to health is protected under the UDHR (article 25.1) and the ICESCR (article 12) and it includes the enjoyment of the highest attainable standard of both physical and mental health. General comment No. 14 on the right to health interprets the right “as an inclusive right extending not only to timely and appropriate health care but also to the underlying determinants of health, such as access to safe and potable water and adequate sanitation, an adequate supply of safe food, nutrition and housing, healthy occupational and environmental conditions (...)”. “A further important aspect is the participation of the population in all health-related decision-making at the community, national and international levels.” The right to health also comprises the prevention and reduction of the population’s exposure to harmful substances, such as harmful chemicals or other detrimental environmental conditions that directly or indirectly affect human health. Moreover, under the UN Declaration on the Rights of Peasants, article 23 protects the right to health.

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognize the right to a clean, healthy and sustainable environment as a human right.

We also recall the explicit recognition of the human rights to safe drinking water and sanitation by the UN General Assembly (resolution 64/292) and the Human Rights Council (resolution 15/9), which derives from the right to an adequate standard of living, protected under, inter alia, article 25 of the Universal Declaration of Human Rights, and article 11 of ICESCR.

General comment No. 15 on the right to water stresses that the right to water “clearly falls within the category of guarantees essential for securing an adequate standard of living” enshrined in article 11 of the ICESCR, acceded by Thailand on 5 September 1999, and that it is also “inextricably related to the right to the highest attainable standard of health” guaranteed under article 12. A sufficient and continuous water supply must be available for personal and domestic use, and “water is necessary to produce food (right to adequate food) and ensure environmental hygiene (right to health).”

Moreover, water required for personal or domestic use must be safe, i.e., free from micro-organisms, chemical substances, and radiological hazards that constitute a threat to a person’s health. Water facilities and services must be accessible to everyone, both physically and economically, and must be free from discrimination. Such accessibility includes the right to seek, receive, and impart information on water issues. Further, “access to traditional water sources in rural areas should be protected from unlawful encroachment and pollution”.

In addition, considering the importance of water for rural communities, the UN Declaration on the Rights of Peasants protects the right to safe and clean drinking water under article 21. Peasants have the right to water for personal and domestic use and farming. They also have the right to equitable access to water and water management systems and to be free from the contamination of water supplies.

We also wish to refer to Human Rights Council resolution 48/13 of 8 October 2021 and General Assembly resolution 76/300 of 29 July 2022, which recognizes the right to a clean, healthy and sustainable environment as a human right.

We highlight the Special Rapporteur on the right to a clean, healthy and sustainable environment's report A/79/270, where she provides an overview of the procedural and substantive elements of this right, reminding that the full implementation of it is also an obligation for businesses.

We also wish to refer to the Committee on the Rights of the Child's general comment No. 26 on children rights and a healthy environment, with a focus on climate change, which underscores that business activity are a source of significant environmental damage, contributing to child rights abuses, notably due to unsustainable agriculture practices. The impacts of business activities and operations may undermine the ability of children and their families to adapt to the impacts of climate change, thereby exacerbating climate stress.

According to the UN Special Rapporteur on Climate Change and Human Rights, businesses should accurately report and disclose their climate impacts in an accessible manner that is sufficient to evaluate the adequacy of their efforts to prevent climate change-related human rights harms. Companies should share the climate footprint of their products and services, as well as broader sustainability efforts, and compliance with environmental regulations. Businesses should ensure effective communication, including translation into local languages and culturally appropriate engagement methods, drawing on external expertise and offering potentially affected communities legal and technical support to understand the project components (A/79/176).