The Clean Clothes Campaign is dismayed by the outcome of the legal case against human rights defender, lawyer and blogger Charles Hector.

After over six months of struggle on 25 August 2011, the case against human rights defender Charles Hector Fernandez before the Shah Alam High Court ended in a settlement between the defender and the company that had sued him for civil “defamation”.

According to the settlement, Charles Hector will pay 1 Malaysian Ringgit (less than one Euro) in costs and the same amount in damages to the company, and will publish a half-page apology within three weeks in the Malaysian daily newspapers, The Star and Nanyang Siang Pau.

Clean Clothes Campaign is concerned that Charles Hector had little choice but to accept a settlement. The outcome does not do justice to the legitimate role of labour rights activists, human rights defenders and bloggers to express concerns about corporate abuse and sets a worrying trend for freedom of expression especially regarding public concerns over corporate action.

In February 2011, Malaysian human rights defender Charles Hector was sued by the Japanese-owned electronics company Asahi Kosei, in Selangor, Malaysia, for publishing information on-line regarding the violation of the rights of 31 Burmese migrant workers by this company. Asahi Kosei demanded a compensation of $3.3 million, in addition to a public apology. Asahi Kosei argued that the 31 Burmese workers were not under their responsibility as they were supplied to them by an ‘outsourcing agent’.

Despite gaining a settlement, allegations about poor working conditions and labour rights abuses at Asahi Kosei...
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remain unresolved. In addition to unfair treatment of Burmese migrant workers there is documentary evidence that Asahi Kosei is not providing workers with any legally mandated leave including annual leave and maternity leave.

The position of outsourced workers in Malaysia, especially migrant workers, in the electronics industry as well as in other sectors, is extremely precarious. Malaysian suppliers, their international customers, and the Malaysian government need to respect and protect workers’ rights, especially of the rights of vulnerable groups such as migrant workers, and need to show due diligence in addressing and resolving labour rights issues. In this case not only did a company fail to address serious concerns of illegality it attempted to silence critics using the judicial system.


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