

**Mandates of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; and the Special Rapporteur on minority issues**

REFERENCE:  
AL OTH 13/2019

27 March 2019

Dear Mr. Phillips, Mr. Owen and Mr. Steward Linch,

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 in the field of cultural rights; Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 35/7, 37/12, and 34/6.

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.<sup>1</sup> 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 your attention information we have received **concerning alleged continued mistreatment and exclusion of traders and residents by the Director of Market Asset Management Ltd (MAM Ltd.) in the context of the planned re-development of the Seven Sisters Indoor Market, in the London Borough of Haringey, as a regeneration initiative.**

We would like to bring to your attention our letter dated 20 July 2017 addressed to the Government of the United Kingdom of Great Britain and Northern Ireland (case reference: AL GBR 3/2017), and our letters dated 21 July 2017 addressed to MAM and to Transport for London (case reference: OL OTH 15/2017 and OL OTH 14/2017).

Our previous letters indicate that the alleged regeneration project would have a detrimental impact on the livelihoods of 120 traders, and would involve the relocation of an estimated 160 residents and the destruction of a cultural interaction space for traders

---

<sup>1</sup> Further information about the communication procedure is available at:  
<http://www.ohchr.org/EN/HRBodies/SP/Pages/Communications.aspx>

and residents. The letters also indicate that the project would allegedly mainly affect people with low-income belonging to minorities, more than 55% of whom are of Latin American origin or descent. As indicated in the letters, the market, known as the “Latin village”, plays an important role for Latin Americans (including immigrants and people of Latin American descent), and is considered by the traders, their families and surrounding residents to be a cultural center, offering opportunities to network and a sense of belonging. Our previous letters further refer to reports that the regeneration project would result in increased market value in the area, which would make it impossible for current residents and traders to remain in the neighborhood. In addition, they refer to reports that MAM Ltd, has been accused of neglecting the buildings of the area, which had a severe impact on the appearance, conditions of work and environment of the market, as well as of several incidents of inappropriate behavior, abusive language towards the traders, and poor market management.

The response received by the Government of the United Kingdom of Great Britain and Northern Ireland can be found in the Special Procedures communications database.<sup>2</sup>We draw to your attention that we have not received any response from your company.

According to the information received:

As noted in our communication of 21 July 2017 to Transport for London, the Director of MAM Ltd. was the object of a complaint from the traders and an investigation by Transport for London/London Underground Limited (TfL/LUL) concerning several incidents of inappropriate behavior, abusive language towards the shop -owners and poor market management. In their response of 25 September 2017, TfL/LUL indicated that the relevant individual at MAM Ltd. acknowledged that their conduct had fallen below a standard that the individual and TfL/LUL consider acceptable. They also informed us of another complaint against the individual and a subsequent investigation by TfL in consultation with MAM Ltd. and the complainants.

Recent reports indicate that the Director of MAM Ltd. has continued to mistreat the traders, through insults, intimidation, shouting, and overall disrespectful engagement. Traders are reportedly subjected to language with racial undertones, discriminatory remarks on the basis of language or origin. Spanish speaking traders have expressed feeling targeted by the mistreatment of the Director of MAM Ltd, and are reportedly afraid of engaging with him due to his aggressive conduct towards them. Several accounts of this abusive treatment have been submitted by the traders to the Public Inquiry and are available online on the inquiry’s website. In their statements, the affected traders expressed the negative impact that the repeated discriminatory and racist behavior from the Director of MAM Ltd. and his staff had on their wellbeing.

---

<sup>2</sup> <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

Several new incidents of mistreatment were reported to the Scrutiny Panel of the Planning Committee of the Haringey London Borough Council following the decision of the SoS of January 2019. The traders also manifested disappointment that the concerns about abusive behavior raised at the Public Inquiry were not properly addressed in the decision. The mistreatment endured by the traders has reportedly become a central issue for them and they feel seriously affected by it.

New reports further indicate that the management of the market has increased by an average of 300% the utility bills of traders who refused to give up their plots for the re-development project. This practice has purportedly mainly affected traders of the Latin American origin. For example, market trader Fabian Cataño, who was allegedly subjected to racist comments and discriminatory treatment by the market management on several opportunities, was affected by the sharp increase in utility bills and is now facing the risk of eviction from the market due to lack of payment of the excess rate, although his rent is paid on time. He has submitted a legal claim challenging the discriminatory practices affecting his case.

The traders also renewed their complaints about the market manager's neglect of the site which affects the security, working conditions and social environment of the market. They further complained that the parking expenses were increased substantially.

Reports received also indicate renewed instances of inadequate consultation and representation of traders in the decision making process, obstacles to traders expressing their views about the project, and regular disregard of the concerns raised by traders to the management of the market. For example, one of the persons selected by Colombian traders as representative before the "Steering Committee for the Future of the Market", Ms. Victoria Alvarez, was initially prevented from participating in its meetings. Although later allowed in, the traders still feel that the opinion of their representatives are not given due consideration in discussions. Following the organization of a protest on 1 November 2018, MAM Ltd. issued disciplinary measures against Ms. Alvarez for, *inter alia*, her involvement in the protest and for expressing critical views in the media about the project and the management of the market. The disciplinary procedure can lead to the termination of her market license.

While we do not wish to prejudge the accuracy of these allegations, we express serious concern at the renewed and continuous allegations of mistreatment and intimidation against traders and residents by the Director of MAM Ltd. We are further concerned that this treatment appears to be particularly targeted at people of Latin American origin or descent, and include language with racial and discriminatory undertones. We are further concerned at the impact that this behavior may have on the members of the Latin American minority and their ability to practice and express their culture and language without fear of attack or intimidation and, consequently, on the dynamic cultural life of the area. We urge the company to adopt the necessary measures to investigate and, where necessary, sanction such events and to protect the affected

persons from any abusive behavior, intimidation, or infringement of their human rights, including their cultural rights.

We also express concern at the alleged inadequate consultation and representation of traders in the decision making process, the insufficient consideration given to their views and concerns, and the obstacles imposed on traders expressing their views about the project. We urge the company to ensure that all planning and consultation process related to the redevelopment project include and give due consideration to the opinions of the representatives selected by the traders, whomever and as many as they may be, to guarantee effective consultation.

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 any comments you may have on the above-mentioned allegations.
2. Please provide detailed information on the process of human rights due diligence taken by your company in order to identify, prevent, mitigate, and remedy the adverse human rights impacts that this regeneration scheme could cause or contribute to.
3. Please indicate what measures have been taken to ensure the full right of participation and consultation of all affected persons (including Latin American traders) – both under the relevant laws of the United Kingdom and the UN Guiding Principles on Business and Human Rights, throughout your operations.
4. Please provide information on steps taken by your company to provide for effective remedy or cooperate in remediation of adverse human rights impacts, which they have caused or contributed to, through legitimate processes, as set forth in the UN Guiding Principles on Business and Human Rights.
4. Please indicate what measures, your company has taken or is considering to take to ensure that there are no acts of intimidation, aggression and abusive behavior by the MAM Ltd. representatives against market traders and members of the Latin American community.
5. Please provide the full details, and where available the results, of any internal inquiry undertaken in relation to the allegations of intimidation

and abusive behavior by the Director of MAM Ltd. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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 note that a letter with a similar content was sent to the Government of United Kingdom of Great Britain and Northern Ireland, with a copy to the Mayor of London, Mr. Sadiq Khan for his immediate attention.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your company to clarify the issue/s in question.

Please accept the assurances of our highest consideration.

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

Karima Bennoune  
Special Rapporteur in the field of cultural rights

Fernand de Varennes  
Special Rapporteur on minority issues

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to draw your attention to the United Nations Guiding Principles on Business and Human Rights (UNGPs), which were unanimously endorsed by the Human Rights Council in its resolution (A/HRC/RES/17/31), after years of consultations involving governments, civil society and the business community. The UNGPs are established as the global authoritative norm for all States and companies to prevent and address the negative consequences related to companies on human rights. The responsibility to respect human rights is a global standard of conduct applicable to all companies, wherever they operate. It exists regardless of the ability and / or willingness of States to meet their own human rights obligations and does not reduce those obligations. It is an additional responsibility to comply with national laws and regulations for the protection of human rights.

"The responsibility to respect human rights requires that business enterprises: (a) Avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; (b) Seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts."(Guiding Principle 13). To fulfill their responsibility to respect human rights, business enterprises should have in place: "(a) A policy commitment to meet their responsibility to respect human rights; (b) A human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; (c) Processes to enable the

remediation of any adverse human rights impacts they cause or to which they contribute."(15 Guiding Principle).

We would also like to recall the responsibility of the company to involve meaningful consultation with potential affected groups and other stakeholders, including consulting minority groups on issues affecting the enjoyment of their cultural rights as well as their right to artistic expression. In its General Comment on the right to take part in cultural life (E/C.12/GC/21), the Committee on Economic, Social and Cultural Rights stressed that the participation of persons belonging to minority groups in the design and implementation of laws and policies that affect them must be allowed and encouraged. It further stipulated that their free and informed prior consent must be obtained when the preservation of their cultural resources, especially those associated with their way of life and cultural expression, are at risk (para. 55 e). In addition, the UN Guiding Principle 18 underlines the essential role of civil society and human rights defenders in helping to identify potential adverse business-related human rights impacts, and therefore to meaningfully contribute to the corporate human rights due diligence.

The corporate responsibility to respect human rights covers the full range of rights listed in the Universal Declaration of Human Rights. In this regard, we wish to draw your attention to article 25 of Universal Declaration of Human Rights which recognizes the right of everyone to take part in cultural life. As stressed by the Committee on Economic, Social and Cultural Rights, the right to take part in cultural life (codified in article 15 of the International Covenant on Economic, Social and Cultural Rights) includes the right of minorities and of persons belonging to minorities to take part in the cultural life of society, and also to conserve, promote and develop their own culture. Consequently, minorities have the right to their cultural diversity, traditions, customs, religion, forms of education, languages, communication media, and other manifestations of their cultural identity and membership". (General Comment 21, para. 32). The Committee further stressed that all members of civil society — including business—have responsibilities in relation to the effective implementation of the right of everyone to take part in cultural life (General Comment 21, para. 73)