

Mandates of the 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; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on minority issues

REFERENCE:
OL OTH 39/2019

9 August 2019

Dear Mr McGhin,

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 the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on minority issues, pursuant to Human Rights Council resolutions 35/7, 37/12, 34/18 and 34/6.

We would like to thank you for your letters dated 10 April and 5 May 2019, providing further information about recent developments in the situation of the Seven Sisters Indoor Market, in the London Borough of Haringey, and raising a number of issues regarding both the process through which Special Procedures' communications are sent and their follow-up.

We understand your recent letters were sent as a reaction to our public statement published on our website on 26 March 2019. We would like to inform you that this statement was made in relation to a communication sent to the Government of the United Kingdom (AL GBR 1/2019) and other parties concerned (AL OTH 13/2019) on 15 and 27 March 2019, respectively.

As noted in our letter of 8 May 2018, and recalled in the email sent to you on behalf of the Working Group in June 2018, in addition to sending communications, special procedures mandate holders may at any stage decide to publicly express their concerns on alleged human rights violations and abuses, when they consider this appropriate and in the public interest. Often this is done only a few days after a communication has been sent, and the intention to issue a public statement would be indicated in the letter sent to a State or company, as was done in AL OTH 13/2017, addressed also to Grainger PLC.

Concerning our letters AL GBR 1/2019 and AL OTH 13/2019, as Grainger PLC had, to our knowledge, no direct involvement in relation to the specific allegations that had been brought to our attention and were the subject of that particular communication, it was not among its addressees. Therefore, your company was also not the object of the related press-release of 26 March 2019.

We would like to reiterate that such practice is fully consistent with the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council and

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reflects the nature of the communications procedure, which first and foremost seeks to provide protection for potential victims of human rights violations and abuses.

We appreciate your swift response to our press release of 26 March 2019. However, we regret the offensive language of your letter, as we strive to conduct our work in a spirit of constructive dialogue and cooperation with all stakeholders. We welcome the additional piece of information you shared in your letter. However, we continue to remain concerned about the human rights impact of the redevelopment plan in the area.

As mentioned previously, we remain available to pursue the dialogue with Grainger PLC on issues related to our respective mandates. In particular, the Working Group on Business and Human Rights continues to stand ready to provide you with any assistance that you may require in operating in conformity with the UN Guiding Principles on Business and Human Rights. We thank you for your continued interest in the situation and for your engagement with the Special Procedures of the Human Rights Council.

Please accept the assurances of our highest consideration.

Elżbieta Karska
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

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Fernand de Varennes
Special Rapporteur on minority issues