

Unequal impact: Coronavirus (Covid-19) and the impact on people with protected characteristics

Coronavirus and BAME people - written submission by Save Latin Village

I. Introduction

1. Prior to the Covid-19 pandemic, Save Latin Village's main focus was to advocate for human rights and minority rights, particularly the right to non-discrimination, equality, effective participation. Addressing multiple and intersecting forms of discrimination by applying a gender focus, as the situation of minority women and girls requires special attention. Secondly to promote a Community Plan which incorporates the majority of the UN 2030 Sustainable Development Goals and prevent the demolition of the Wards Corner site by the public-private regeneration initiative with stakeholders: Transport for London (TfL) Haringey Council, Grainger PLC, and the Mayor of London, and agent MAM/Quarterbridge¹ appointed by Haringey Council and Grainger PLC.² TfL later awarded MAM/Quarterbridge the market lease without tender in 2015 with Grainger PLC acting as lease guarantor, and Haringey Council appointed the director of MAM/Quarterbridge as the Market Facilitator to "*promote the interests of the non-English speakers*".³
2. Save Latin Village is submitting evidence to draw attention on the needs and impact of COVID-19 on the Latin American community. It is vital that these needs are well integrated into understanding the impact of Coronavirus, and decision-making around measures chosen to tackle it now and similar challenges in the future.

II. Executive summary of submission

3. As part of a Save Latin Village COVID-19 emergency response project,⁴ a team of volunteer researchers from the City of London were recruited to investigate COVID-19 support initiatives and

¹ Quarterbridge, "Seven Sisters Market Tottenham the Wards Corner Partnership" <http://www.quarterbridge.co.uk/case-studies/seven-sisters-market-tottenham-the-wards-corner-partnership/> last accessed 29.06.20.

² Haringey Council, "Specialist Support for Seven Sisters Market" (2012) <https://www.haringey.gov.uk/news/specialist-support-seven-sisters-market> last accessed 29.06.20.

³ Haringey Council "Report into the review of the section 106 clause on the Market Facilitator" (2019) page 14, https://www.haringey.gov.uk/sites/haringeygovuk/files/review_of_section_106_clause_on_the_market_facilitator_report.pdf last accessed 29.06.20.

⁴ Save Latin Village, "SLV Covid-19 Emergency Response Project" (2020) <https://savelatinvillage.org.uk/covid-19-slv-emergency-response/> last accessed 29.06.20.

barriers to access for the Latin American community, working alongside registered charity Latin Elephant and Seven Sisters Market Tenants Association (SSMTA). Latin Elephant supports the UK's largest concentration of Latin businesses in the London Borough of Southwark. Pueblito Paisa (Latin Village) at Seven Sisters Indoor Market in the London Borough of Haringey is supported by Save Latin Village. The Latin Village is the UK's only Latin Village; it contains the UK's second largest concentration of Latin businesses; and every trader is from a Black and Minority Ethnic (BAME) background. It was reported by Aljazeera in 2019 that 85 percent of the UK's Latin American population depends on the Latin Village in North London and the Latin Quarter in South London.⁵ The Latin Village is recognised as a mutual aid centre for the Latin American community⁶ and is registered with Haringey Council as a community asset (ground floor of Wards Corner building).⁷

III. The impact of Covid-19 and the Government measures to contain the virus on BAME people

Closing of Latin Village

4. Thursday 12 March: Deputy Mayor of London Joanne McCartney chaired a meeting with landowner Transport for London (TfL) with BAME traders from the Latin Village, and TfL promised they would do everything they could to keep the market going.
5. Monday 23 March: Prime Minister Boris Johnson introduced new measures ordering the closure of non-essential shops which excluded "*market stalls which offer essential retail, such as grocery and food*" and in relation to restaurants, legal exceptions allowed "*food delivery and takeaway to remain operational.*"⁸ MAM/Quarterbridge advised traders that the market will remain open as "*many report increased sales as shoppers seek an alternative to supermarkets. The shorter supply chain of market retailers means they are less subject to delivery delays.*"

⁵ Aljazeera, "Can London's Latin Village survive 'redevelopment' scheme? (2019) <https://www.aljazeera.com/indepth/features/london-latin-village-survive-redevelopment-scheme-191026185841092.html> last accessed 29.06.20.

⁶ Katherine Hearst, "There's no room for you here- how Latinx traders were shut out of their mutual aid hub" (2020) <https://shado-mag.com/all/theres-no-room-for-you-here-how-latinx-traders-were-shut-out-of-their-mutual-aid-hub/> last accessed 29.06.20.

⁷ Haringey Council, "List of Assets of Community Value" https://www.haringey.gov.uk/sites/haringeygovuk/files/list_of_assets_of_community_value.pdf last accessed 29.06.20.

⁸ Gov.uk, "Closing Certain Businesses and Venues" (2020) <<https://www.gov.uk/government/publications/further-businesses-and-premises-to-close/further-businesses-and-premises-to-close-guidance>> last accessed 29.04.20.

6. Tuesday 24 March: Despite these exceptions, MAM/Quarterbridge and TfL ordered the closure of the Latin Village.
7. The closure of the market directly impacted the BAME community in the following ways:
 - Loss of income: inability for essential businesses to trade at the Latin Village in Seven Sisters Market and thereby make a living during the lockdown period.
 - Difficulties in accessing specialist cultural food supplies. Many of the BAME traders sell specialised food products for the Latin American population which is not provided in the main food chain stores.
 - Loss of the community mutual aid support from the Latin Village community.

IV. Factors that have amplified the impacts of the pandemic on BAME people

Private-Public Partnership Treatment of BAME Community during COVID-19

8. The private-public partnership at the Latin Village has exploited the pandemic to drive through their public development which has compounded the disproportionate impact of COVID-19 towards the BAME community, particularly the Latin American Community.
9. In fact, it has been observed by senior members in the local government that the “*lockdown is a gift to Grainger PLC*”. In addition, the United Nations released a statement in relation to the COVID-19 outbreak which stated some may find “*emergency powers attractive because it offers shortcuts.*”⁹ This marked trend has been evidenced through the actions of the private-public partnership during the pandemic.
10. BAME traders have begun to question the actual motive behind the closure of the market and the prevention of sales of culturally appropriate food. According to Friends of Queens Market which supports a BAME market in the London Borough of Newham, “*the provision of culturally appropriate food is vital to build up peoples’ immune systems and the developers are clearly taking advantage of COVID-19 and it is a dangerous precedent*”.

⁹ United Nations, “COVID-19: States should not abuse emergency measures to suppress human rights – UN experts” (2020) https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25722&LangID=E&fbclid=IwAR13yDJVmiBxPF5adHDnSSLzdxCBjhWeXQK-JIyVy_vDMMmMXgD9wjTR7QY last accessed 29.06.20.

11. This is only one example of many and BAME traders have reason to believe that the COVID-19 is being used as a shortcut to achieve the development agenda of the private-public partnership.
12. The Public Sector Equalities Duty (PSED) in Section 149 of the Equality Act 2010 has been applied in various legal communications - and funded by crowdfunding initiative promoted by Save Latin Village - to challenge numerous incidents involving direct discrimination, victimisation and harassment towards members of the Latin American community.¹⁰ The discriminatory impact of the development has been established through numerous Equalities Impact Assessments and a Section 106 agreement was created by the former Mayor of London Boris Johnson to mitigate the discriminatory impact. Consistent breaches of the Section 106 agreement have been reported and evidenced by numerous investigations conducted by TfL and the London Borough of Haringey. The Section 106 has been ineffective and has been antithetical to its aims, since it has contributed towards direct discrimination against the Latin American community.¹¹ Furthermore, the PSED has been ineffective as public authorities are simply required to show due regard, which provides insignificant protection and/or positive action against discrimination. Moreover, there are financial barriers to enforcement particularly after the cuts to legal aid following the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) in 2013 and the reduced funding of the Equalities and Human Rights Commission (EHRC) and increased stringency in the adoption of strategic cases. A referral was made to the EHRC through the Equality Advisory Support Service following the intervention of the United Nations (UN); involving two UN press statements and 2017,¹² and 2019,¹³ and six UN communications to the public-private partnership stakeholders,¹⁴ Channel 4 News Coverage,¹⁵ approximately sixty press articles including the New York Times, CNN, BBC,¹⁶ however the referral was denied.

¹⁰ Victoria Alvarez, “A legal defence fund to protect the heart of the UK's Latin Community” (2017) <https://www.crowdjustice.com/case/latinvillagepueblitopaisa/> last accessed 29.06.20.

¹¹ Crowdjustice update 25, “COVID-19 and the Latin Village – We are all in this together (update 25)” (2020) <https://www.crowdjustice.com/case/latinvillagepueblitopaisa/> last accessed 29.04.20.

¹² United Nations, “London market closure plan threatens “dynamic cultural centre” - UN rights experts” (2017) https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21911&LangID=E_blank last accessed 29.06.20.

¹³ United Nations, “Plans to redevelop UK’s Seven Sisters market pose human rights threat, say UN experts” (2019) <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24409&LangID=Ehttp://> last accessed 29.06.20.

¹⁴ Save Latin Village, “UN Communications” <https://savelatinvillage.org.uk/un-communications/> last accessed 29.06.20.

¹⁵ Channel 4 News, “Surya Deva: Market redevelopment is ‘an issue that has global implications’” (2017) <https://www.channel4.com/news/surya-deva-market-redevelopment-is-an-issue-that-has-global-implications> last accessed 29.06.20.

¹⁶ Save Latin Village, “Media Coverage” <https://savelatinvillage.org.uk/mediacoverage/> last accessed 29.06.20.

13. Below is a timeline of events highlighting the ways in which the private-public partnership has driven forward their own agenda throughout this pandemic, whilst disregarding the rights and welfare of the Latin American community.

- **Monday 16 March:** Power cut to all BAME traders.
- **Monday 23 March:** Grainger PLC writes to BAME traders drawing attention to their loss of legal appeal against move to Apex House and demolition of Latin Village at Wards Corner site. Grainger PLC advises BAME traders of move to new site by the end of the year.
- **Tuesday 24 March:** MAM/Quarterbridge orders the closure of the Latin Village advising, “*We have been asked by LB Haringey Public Health Department to advise them of any non-compliance.*”
- **Thursday 9 April:** MAM/Quarterbridge advises BAME traders to visit Latin Village to collect letters and handover keys during official lockdown when it was prohibited by the government in line with Stay at Home orders.
- **Monday 11 May:** An insolvency practitioner is appointed by MAM/Quarterbridge, advising traders that if a deal is not found the Latin Village may shut permanently, threatening the 40 BAME businesses and the livelihood of around 120 workers.
- **Friday 22 May:** Grainger PLC is hastening Apex House works while TfL is stalling the restoration of electricity at the Latin Village. Traders are asked to participate in the unit design; however, no information is provided on forecasted rents. An email is sent to the Market Facilitator, copying in Grainger PLC CEO, requesting forecasted rent information, which has still not been provided.
- **Sunday 24 May:** PM Boris Johnson announces a planned date for reopening non-essential business. MAM/Quarterbridge reminds traders that Latin Village may not reopen and adds padlocks to all the main entrances to prevent traders from accessing their trading units.
- **Tuesday 2 June:** In concert with MAM/Quarterbridge, TfL informs traders that the Latin Village may not reopen anytime soon due to essential works “*as a result of years of neglect*”. Seventy-five percent of the market is still without power.
- **Friday 5 June:** MAM/Quarterbridge issues traders rent invoices despite the fact that:
 - They are enjoying a rent holiday by landlord TfL until the COVID-19 situation returns to normal.
 - They have been defrauding traders in the overcharging of utilities.¹⁷
 - They were caught by TfL in the “*unlawful abstraction of electricity by MAM through its connection to the grid from a neighbouring building. By ‘unlawful’ we mean a criminal act, specifically commission of an offence under Section 13 of the Theft Act 1968.*”¹⁸ According to market traders

¹⁷ Hansard, “Wards Corner Redevelopment” (2019) column 899, <https://hansard.parliament.uk/Commons/2020-01-29/debates/A9156437-0765-4BCA-8514-9D9F9E52CE93/WardsCornerRedevelopment> last accessed 29.04.20.

present during the disconnection of the supply, the police officers who attended confirmed the unsafe supply and unlawful abstraction of electricity constituted a criminal offence and a crime reference was assigned, job no 468193 and CAD 4012/16MAR20.”¹⁹

- A race discrimination claim was filed under the Equality Act 2010 against them by Afro-Latin trader Fabian Castano Cadavid in addition to numerous complaints of discrimination, victimisation, and harassment.
- **Monday 15 Jun:** The world slowly emerges from the devastating impact of COVID-19 and non-essential businesses and indoor markets are allowed to open in the UK. However, the Latin Village remains closed.

Impact

- **Monday 16 March:** There is no natural light in the Latin Village due to the power cut, and BAME traders work in the dark while losing perishable food stock during a week of frantic panic buying and food shortages.
- **Tuesday 24 March:** A few days after essential food outlets have been ordered to close completely, BAME community is still without power. According to traders: MAM/Quarterbridge staff member advised members, “you no longer have a future here, the electricity is not going to be fixed, you have already lost everything, and you’ll have to adjust to the new rules when you’re moved”.
- **Thursday 9 April:** BAME traders have historically experienced high exceptional stressors and discrimination since Quarterbridge/MAM’s appointment in 2015, compounded by COVID-19 and the power cut on the 16th March.
- **Monday 15 June:** Market does not reopen and the wider Latin American community is without a Mutual Aid Centre during a time of a forecasted economic recession.

14. Whilst COVID-19 is already exacerbating existing inequalities, BAME traders and the Latin American community are paying the consequences of structural racism, and will be unable to work and access their mutual aid centre. This is attributable to the managed decline over almost 5 years and the preventable delays of essential remedial works during the COVID-19 lockdown.

15. The following case study describes a personal story and is a clear example of the stress and health deterioration that traders have faced.

¹⁸ Bindmans LLP, “Letter to Transport for London cc Mayor of London and David Lammy MP” (18 May 2020) para 8.

¹⁹ Ibid, para 11.

Case study: story of resilience of a person from a BAME community



16. Afro-Colombian trader Fabian pictured above, met Prime Minister Boris Johnson at the Latin Village after he survived the 7/7 London Terrorist Bombings in 2005. Fabian was on the underground train which was bombed and left him with multiple injuries including permanent disabilities, partial hearing loss and mobility issues. He always attested that enjoying his culture in the community at the Latin Village was tantamount to his psychological recovery.
17. Fabian reported on the 24 March that he was concerned that he would be further discriminated commensurate with the historical pattern of discrimination, in relation to the restoration of the power supply to the Latin Village. A week later on the 1st April 2020, he was admitted to intensive care with the coronavirus.
18. Leading up to his admission to intensive care from February to March 2020, the MAM/Quarterbridge attempted to unlawfully evict Fabian; issued written legal threats to remove fixtures and fittings from his unit; and unlawfully removed his power supply in February 2020.
19. There is a possible correlation between the severe long-term stress Fabian was under and his response to COVID-19. Harvard University has published research to find stress being a determinant in boosting immunity during the coronavirus,²⁰ and how long term stress increases the rate of infections.²¹

According to a Harvard psychiatrist, “the toxic effects of non-stop cortisol has a deleterious effect on health” and “Covid is a perfect storm”, also “in its toll on the person who feels angry at that level of injustice”.²² According to Fabian’s family he has no other medical conditions that could have contributed to his admission to intensive care and he was relatively healthy.

Inaccessible Government guidance, support and funds

20. The research has found that many members of the Latin American community have found Government guidance and funds and/or mutual aid to be inaccessible or very difficult to access due to: language barriers (forms only provided in English, helplines only have English speakers), digital exclusion factors, lack of public information provided on application processes and expected timelines, and inability to receive bilingual support from the local Council.
21. The research has found members of the community which do not have access to laptops, PC, tablets. Universal Credit claims are not possible through a smartphone and they are in English with no translated options available. Department Work and Pensions (DWP) language line is almost impossible to access, and it is not possible to make claims over the phone. Initial calls from the DWP regarding Universal Credit claims are in English despite interpreters being requested in advance via online journal.
22. The research has found that Haringey Council COVID-19 support was inaccessible for non-English speakers as no interpretation services were provided, also additional language barriers were found with accessing mutual aid group support.

Impact

- Financial difficulties affecting ability to afford food, which is exacerbated by difficulties accessing food banks due to lack of information and language barriers.

²⁰ Harvard Medical School, “How to boost your immune system” (updated 2020) <<https://www.health.harvard.edu/staying-healthy/how-to-boost-your-immune-system>> last accessed 29.04.20.

²¹ Harvard Medical School, “Relaxation techniques: Breath control helps quell stress response” (2018) <<https://www.health.harvard.edu/mind-and-mood/relaxation-techniques-breath-control-helps-quell-errant-stress-response>> last accessed 29.04.20.

²² Harvard Health Publishing, “Angry? A global pandemic will do that. Here’s how to handle it” (2020) <<https://www.health.harvard.edu/diseases-and-conditions/coronavirus-resource-center>> last accessed 29.04.20.

Ethnic monitoring

23. There is currently no ethnic monitoring of the Latin American population at national level in the census, including the majority of London boroughs. This includes the London Borough of Haringey, which is “among the top boroughs of the Latin American concentration” in terms of population, and it is where the Latin Village is located.²³
24. The Equality Act 2010 promotes the elimination of unlawful discrimination and equality of opportunity between different racial groups. The need for organisations to engage ethnic monitoring to meet these legal obligations is provided in the Statutory Codes of Practice. There has been recognition and recommendations for effective ethnic monitoring in the past, both in policy and commissioning circles such as the Department of Health.²⁴

Impact

- The UK’s Latin American community suffers from high indices of social deprivation and lack of visibility.²⁵ There is a wealth of evidence demonstrating that BAME groups suffer poorer health than the overall UK population,²⁶ most discernibly during the current COVID-19 pandemic. The collection of data on BAME communities facilitates health services to respond to health inequalities experienced by different social groups, such as access to and experience of health care²⁷. Therefore, health equality and social justice is not being achieved without ethnic monitoring.
- Gaps in ethnic monitoring of vulnerable ethnic minority groups will also impact the findings of this review, which will result in the inability to inform public policy. At present, one of the main hurdles is seeking assistance, such as interpreters for accessing local government support. Due to the absence of

²³ Coalition of Latin American organisations from the voluntary sector in the UK (CLAUK) “Deputation to Haringey Council,” (2014) <<http://www.clauk.org.uk/clauks-deputation-to-haringey-council-speech/>> last accessed 28.04.20.

²⁴ Healthcare Commission (2009) Tackling the Challenge: Promoting race equality in the NHS in England, p.40.

²⁵ Cathy McIlwaine “Towards Visibility Latin American Community in London” (2016) Trust for London <https://trustforlondon.fra1.digitaloceanspaces.com/media/documents/Towards-Visibility-key-findings.pdf> last accessed 29.06.20.

²⁶ Department of Health (DH) and Social Services Inspectorate (SSI) (1998) They Look After Their Own, Don't They? Inspection of community care services for black and ethnic minority older people.

²⁷ Commission for Racial Equality (CRE) (2002) Ethnic Monitoring: A guide for public authorities.

population statistics on certain minority groups, it is difficult to quantify demand for grants and lobby decision makers.

V. Solutions/what needs to improve

Short-term

- The main short-term recommendation is for the Mayor of London to provide the minority right to effective participation during Covid-19. The Mayor suspended a planned meeting with Save Latin Village on the 9th April 2020 after years of lobbying, including a presentation to the UN assembly at the UN headquarters in 2019.²⁸ Our specific recommendation is that this meeting should go ahead during the easing of lockdown restrictions, and that the supportive local Member of Parliament David Lammy MP should also attend this meeting to ensure the avoidance of a tokenistic measure.

Medium-term

- Ethnic monitoring should be introduced for the UK's Latin American community at national level in the 2021 ONS Census, and at local level including all London Boroughs, and nationwide. Haringey Council has one of the largest UK Latin American populations and it should introduce local ethnic monitoring for Latin American members of the community.
- The EHRC should investigate the pattern of structural discrimination by the main public-private stakeholders at the Latin Village, namely Mayor of London, TfL, Haringey Council, and Grainger PLC.

Long-term

- The DWP should improve accessibility to Universal Credit applications. Firstly, where it has been specified in the application online journal that applicants require an interpreter all initial calls throughout the claims process should be made with an interpreter. Despite the fact that interpreters are requested in the application online journal, calls are made without an interpreter causing unnecessary delays. Secondly, paper applications should be accepted and translated versions made available in consideration that it is not possible to make claims with smartphones and many applicants do not have

²⁸ United Nations, "United Nations 12th Session of the Forum on Minority Issues: Empowerment of minority women and girls" (2019) at 1:35:35 mins
<http://webtv.un.org/search/empowerment-of-minority-women-and-girls-12th-session-of-the-forum-on-minority-issues/6110538687001/?term=2019-11-28&sort=date> last accessed 29.06.20.

access to PCs, tablets, etc. Thirdly, if online Universal Credit claims cannot be made in Spanish then funding should be made available to charities to provide assistance. The research has also found many instances where the Citizens Advice Bureau has not been able to provide this service despite their access to a language line.

- Digital exclusion - in the case of the Latin Village, funding should be provided to the charity Latin Elephant which has experience in delivering bespoke courses to the Latin American community. Previous training was unsuccessfully delivered through MAM/Quarterbridge with Mayor of London funding.
- Equal support should be provided to the Community Plan, which was granted planning permission in November 2019 and incorporates the majority of the 2030 UN Sustainable Development Goals.