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HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on the rights of indigenous peoples

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Dear Mr. Snyder,

I am writing in my capacity as United Nations Special Rapporteur on the rights of indigenous peoples of the Human Rights Council in relation to the “Change the Mascot” campaign of the Oneida Indian Nation.

According to information I have received, the advocacy campaign was launched in September 2013 to raise awareness among the public at large about the mascot of the Washington Redskins football team. The Oneida Indian Nation is calling attention to the hurtful reminder of the term “redskins” for many to the long history of mistreatment of Native American people in the United States. The campaign has highlighted the particular effect on American Indian youths, who already face serious challenges in terms of image and self-esteem. The goal of the campaign is to change the name of the team and its mascot.

The Oneida Indian Nation is not alone in this effort, as the Nation Congress of American Indians (“NCAI”) has been campaigning to address negative stereotypes in print and other media since 1968. This is clearly a highly controversial issue, as many congress-people, other politicians, and media/advocacy groups have echoed the opinion that the name must be changed.

While I am aware that there are some divergent views on this issue, I urge the team owners to consider that the term “redskin” for many is inextricably linked to a history of suffering and dispossession, and that it is understood to be a pejorative and disparaging term that fails to respect and honour the historical and cultural legacy of the Native Americans in the United States. In this connection, I understand that recently, the United States Patent and Trademark office denied a company’s request to use the name “redskins” under trademark laws because it is a “derogatory slang word”.

Further, in reference to the negative consequences that continual use of American Indian mascots perpetrates, I wish to call your attention to research performed by the American Psychological Association and the American Sociological Association. Both

professional organizations have identified the following effects, among others, of using these types of mascots in sports: undermining educational experiences of those who have had little or no contact with indigenous peoples; creating an hostile learning environment for American Indians; undermining the ability of the American Indian Nations themselves to accurately self-identify and self-portray images of their culture and traditions; creating incorrect stereotypes of American Indians leading to prejudice of the dominant culture against racial/ethnic minorities; and perpetuating negative relations between groups.¹

It is worth noting that, recognizing these harmful effects, the National Collegiate Athletic Association placed restrictions on colleges or universities using tribal mascots, nicknames or imagery, stating that “mascots, nicknames or images deemed hostile or abusive in terms of race, ethnicity or national origin” should not be visible at championship events hosted by the association.”² The association also encouraged member institutions “to educate their internal and external constituents on the understanding and awareness of the negative impact of hostile or abusive symbols, names and imagery, and to create a greater level of knowledge of Native American culture”.³

I have examined this issue previously in my capacity as United Nations Special Rapporteur. In my official report on the situation of indigenous peoples in the United State of 2012, I noted that “[w]ithin the United States stereotypes persist that tend to render Native Americans relics of the past, perpetuated by the use of Indian names by professional and other high-profile sports teams, caricatures in the popular media and even mainstream education on history and social studies”. I further highlighted complaints that I heard during my visit about how these stereotypes “obscure understanding of the reality of Native Americans today and instead help to keep alive racially discriminatory attitudes.”⁴

Furthermore, the United Nations Declaration on the Rights of Indigenous Peoples, which was adopted by the General Assembly (comprised of all member States of the United Nations) in 2007 and endorsed by the United States in 2010 states in its article 15 that “Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.” It further affirms in that article that States must take measures “to combat prejudice and eliminate discrimination and to promote tolerance,

¹ AMERICAN PSYCHOLOGICAL ASSOCIATION, *Summary of the APA Resolution Recommending Retirement of American Indian Mascots* (2005), <http://www.apa.org/pi/oema/resources/indian-mascots.aspx>; AMERICAN SOCIOLOGICAL ASSOCIATION, *Statement by the Council of the American Sociological Association on Discontinuing the Use of Native American Nicknames, Logos an Mascots in Sport* (6 March 2007), http://www.asanet.org/about/Council_Statements/use_of_native_american_nicknames_logos_and_mascots.cfm.

² NCAA News Release, *NCAA Executive Committee Issues Guidelines for use of Native American Mascots at Championship Events*, (Aug. 5, 2005), <http://fs.ncaa.org/Docs/PressArchive/2005/Announcements/NCAA%2BExecutive%2BCommittee%2BIssues%2BGuidelines%2Bfor%2BUse%2Bof%2BNative%2BAmerican%2BMascots%2Bat%2BChampionship%2BEvents.html>.

³ *Ibid.*

⁴ A/HRC/21/47.Add.1, para. 9.

understanding and good relations among indigenous peoples and all other segments of society.”

Independent of the responsibilities of States with respect to the promotion and protection of human rights, private actors also have responsibilities within the international human rights framework. These responsibilities have been outlined most comprehensively in the Guiding Principles on Business and Human Rights, which were adopted by the Human Rights Council (the highest human rights body in the United Nations) in June 2011.⁵ Under the Guiding Principles, business enterprises have a responsibility to respect human rights, which means that “they should avoid infringing on the human rights of other and should address adverse human rights impacts with which they are involved.”

In light of the above, I would be interested in hearing the views of the owners of the team about this issue, particularly regarding their openness to consider a name change to the Washington football team. I would also be interested to hear their thoughts on starting a genuine dialogue with the Oneida Indian Nation on this issue.

Please note that any response you will be made available in a report to the Human Rights Council for its consideration.

Because of the interest in this issue, it is my intention to make public my concerns via a statement to the press. Should you have any questions or require further information, please do not hesitate to contact me.

Please accept, Excellency, the assurances of my highest consideration.

James Anaya
Special Rapporteur on the rights of indigenous peoples

⁵ Human Rights Council Resolution 17/4.