



Workbook for the Indigenous Peoples' Rights in Constitutions Assessment Tool



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Question 1

Does the constitution specifically identify, recognize or define Indigenous peoples, including protection of the right to self-identification?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 2

Does the constitution recognize the state as multicultural, multinational or multi-ethnic, or promote the values of diversity and inclusivity in other ways?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 3

Does the constitution ensure national citizenship for Indigenous peoples and include a guarantee that claiming Indigenous identity will not impact on the right to national citizenship?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 4

Does the constitution guarantee equality before the law and prohibit discrimination? If so, is ethnic, racial or cultural identity recognized as one of multiple prohibited grounds for discrimination?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 5

Does the constitution allow for or mandate special measures aimed at achieving substantive equality for Indigenous peoples?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 6

Does the constitution recognize Indigenous peoples' rights as additional to, and not a replacement of, the fundamental rights guaranteed to all citizens?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 7

Does the constitution recognize Indigenous peoples' right to self-determination as a foundation for other Indigenous peoples' rights?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 8

Does the constitution recognize collective rights? If so, is it a general recognition or specific to Indigenous peoples?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 9

Does the constitution provide for how fundamental citizen and human rights, including equality before the law and protections for women and other inter-sectionally vulnerable groups, should be reconciled with Indigenous peoples' rights?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 10

Does the constitution honour historic and future agreement-making or treaty arrangements between Indigenous peoples and the state in a way that validates the inherent sovereignty (autonomy) of Indigenous peoples?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 11

Does the constitution recognize Indigenous peoples' rights to autonomy and self-government, territorial or otherwise?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 12

Does the constitution entitle Indigenous peoples to maintain and apply their customary laws and dispute resolution processes in their territories?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 13

Does the constitution protect Indigenous peoples' right to consultation through their own chosen representatives by formally recognizing Indigenous peoples' organizations or otherwise establishing a specialized consultative mechanism between Indigenous peoples and the government?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 14

Does the constitution recognize and provide an electoral mechanism for ensuring Indigenous peoples' right to political participation and representation, particularly in the state legislature?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 15

Does the constitution provide mechanisms to promote Indigenous peoples' representation in the executive branch of government?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 16

Does the constitution ensure Indigenous peoples' representation in the judicial branch is accounted for and that judicial appointment mechanisms, especially those to the supreme or constitutional courts, facilitate the inclusion of Indigenous peoples?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 17

Does the constitution guarantee or facilitate the recruitment or appointment of Indigenous peoples to civil service positions, independent bodies and the military?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 18

Does the constitution recognize the special relationship between Indigenous peoples and land, including by protecting collective ownership rights over ancestral lands and territories and establishing high burdens for dispossessing Indigenous peoples of their lands?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 19

Does the constitution afford Indigenous peoples special rights to natural resources within/on/under their lands and territories? Does the constitution call for benefit-sharing with Indigenous peoples for natural resource-related activities carried out on their land?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 20

Does the constitution obligate the government to consult in good faith with Indigenous peoples or to seek their free, prior and informed consent (FPIC) before implementing development projects and other policies that have an impact on Indigenous lands, territories, rights and resources?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 21

Does the constitution protect Indigenous peoples' rights to maintain and develop their cultures, cultural identities and practices, and have them respected?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 22

Does the constitution recognize Indigenous languages and associated language rights?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 23

Does the constitution protect Indigenous peoples' right to mother-tongue and culturally appropriate education?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 24

Does the constitution protect the right of Indigenous communities to continue to practise their subsistence activities (traditional means of livelihood)?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 25

Does the constitution protect Indigenous peoples' right to health, including access to traditional medicines and services?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 26

Does the constitution recognize Indigenous communities' rights to intellectual property ownership over their traditional knowledge and traditional cultural expressions?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 27

Does the constitution establish a national Indigenous peoples' commission, ministry or other specialized government body to promote and protect Indigenous peoples' rights?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 28

Does the constitution indicate, in multi-layered state structures, which level(s) of government are primarily responsible for coordination, protection and promotion of Indigenous peoples' rights?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 29

Does the constitution include rules for 'standing' that are sufficiently open and accessible to ensure Indigenous peoples' right to access courts?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 30

Does the constitution guarantee legal aid for persons and groups unable to afford private legal representation?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 31

Does the constitution clearly define permissible grounds or processes for rights limitations, and ensure that they are justiciable?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 32

Does the constitution state that international human rights treaties take effect automatically upon ratification, or is a secondary domestication process required?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 33

Does the constitution permit, encourage or require courts to consider foreign law when they interpret and apply human rights provisions?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.

Question 34

Does the constitution encourage or require courts and other bodies to consider international law when they interpret and apply human rights provisions?

FINDINGS

Answer to the question (Y/N) and other notes and observations about how well the constitution addresses the issue(s) raised in the question. Include relevant provisions (article number(s) and text of the provision(s)). Also note inconsistent and/or contradictory provisions, or if no relevant provisions exist.

ACTIONS

Suggested advocacy and other follow-on actions to address or disseminate findings.



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The *Indigenous Peoples' Rights in Constitutions Assessment Tool* helps users to understand and assess how their country protects the Indigenous Rights.

Use this workbook alongside the *Indigenous Peoples' Rights in Constitutions Assessment Tool* to document your findings and develop proposals for legal and constitutional reform.